

**SEVENTY-SEVENTH DAY**  
(Friday, May 27, 1977)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

Senator Grant Jones offered the invocation.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 27, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 62.** Creating a joint interim committee to study options for state involvement in a program of loans for students in eligible post-secondary educational institutions.

**S.C.R. 90.** Permitting Mitchell Energy Corporation and Mitchell Energy Offshore Corporation to sue the state.

**H.C.R. 140.** Memorializing Congress to oppose extension of federal price controls over intrastate natural gas supplies.

**H.C.R. 161.** Granting Janet Lock permission to sue the state.

**H.C.R. 166.** Granting Edith Davis permission to sue the state.

All necessary rules suspended, and the conference committee report on House Bill No. 712 adopted by a non-record vote.

**S.C.R. 109.** Instructing the enrolling and engrossing clerk of the Senate to correct a typographical error in **S.J.R. 19**.

All necessary rules suspended, and the house concurred in Senate amendments to **H.B. No. 1355** by a non record vote.

**S.B. 125**, Relating to the Neches River Conservation District. (With amendment)

**S.B. 812**, Relating to the composition of the 1st Administrative Judicial District.

**S.B. 833**, Relating to the term of office of judge of Probate Court No. 2 of Harris County.

**S.B. 1184**, Relating to appointment of court reporters in the Tarrant County courts of domestic relations.

**S.B. 1282**, Relating to establishment of boundaries of the Red River Authority of Texas.

**S.B. 65**, Relating to active duty and assignment of former district judges. (With amendment)

**S.B. 72**, Relating to the maximum speed limit near schools.

**S.B. 366**, Exempting certain vehicles designed for persons in wheel chairs from the Motor Vehicle Sales Tax. (With amendment)

**S.B. 508**, Relating to those not included as employees under the workmen's compensation law.

**S.B. 513**, Transferring the comptroller's property inventory responsibilities.

**S.B. 517**, Relating to a court manager and coordinator system for certain county courts having criminal jurisdiction. (With amendment)

**S.B. 519**, Relating to certain procedures in courts having criminal jurisdiction in certain counties. (With amendments)

**S.B. 559**, Relating to teacher retirement benefits and control of retirement funds.

**S.B. 641**, Relating to the practice of engineering.

**S.B. 672**, Relating to appointment of inmates wanted for other offenses as trustees.

**S.B. 684**, Relating to sale of municipal utility systems in certain cities. (With amendments)

**S.B. 810**, Designating the official site of the Mission of Nuestra Senora de los Ais for archeological purposes.

**S.B. 835**, Authorizing counties to establish auxiliary courts outside the county seat for non-jury proceedings.

**S.B. 857**, Relating to financial records of certain nonprofit corporations. (With amendments)

**S.B. 1046**, Relating to the use of proceeds from sale of bonds by cities.

**S.B. 1052**, Prohibiting local governments from imposing boat use fees. (With amendment)

**S.B. 1070**, Relating to writs of habeas corpus in felony cases.

**S.B. 1161**, Increasing the fee collected by the secretary of state for issuing a notary public commission. (With amendment)

**S.B. 1235**, Relating to compensation of judges of certain courts in Lubbock County. (With amendment)

**S.B. 1246**, Transferring custody and control of certain property to Daughters of the Republic of Texas. (With amendments)

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. No. 1921** by a non record vote.

All necessary rules suspended, and the conference committee report on House Bill No. 2141 adopted by a non record vote.

**S.B. 148**, An Act relating to the Natural Death Act and a procedure for a person to provide in advance for the withdrawal or withholding of medical care when the person has a terminal condition. (With amendments)

**S.B. 1248**, Relating to political advertising by officers or employees of political subdivisions. (With amendments)

**S.B. 1250**, Relating to surface mining and reclamation. (With amendment)

**S.B. 1279**, Relating to the membership of the Smith County Juvenile Board.

**S.B. 1303**, Relating to compromise and settlement by the comptroller of certain taxes due the state.

**S.B. 1223**, Reorganizing the 205th and 210th Judicial Districts.

**S.B. 496**, Relating to authority of school districts to use school buses for senior citizens and handicapped.

**S.B. 1062**, Relating to service of citation against a school district.

**S.B. 612**, Creating a central ADP depository for state software programs. (With amendment)

**S.B. 714**, Providing the right to appeal a decision of a board of equalization. (With amendment)

**S.B. 911**, Relating to investment of the permanent school fund.

**S.B. 915**, Relating to the creation of juvenile boards in Carson, Childress, Collingsworth, Donley, and Hall counties.

**S.B. 1025**, Relating to liability of school districts when administering medication to students. (With amendment)

**S.B. 1268**, Authorizing the T.E.C. to sell certain land in Laredo.

**S.B. 1284**, Relating to requirements for temporary tax situs. (With amendment)

**S.B. 1304**, Relating to exclusion of land from noxious weed control districts.

**S.B. 1301**, Relating to compensation and membership of the Hunt County Juvenile Board. (With amendment)

**S.B. 1173**, Relating to municipal courts.

**S.B. 1182**, Relating to use of criminal convictions to suspend, revoke, or deny application for certain occupational licenses.

**S.B. 440**, Relating to licensing of speech pathologists and audiologists. (As substituted)

**S.B. 1209**, Relating to overruling recommendations of a municipal zoning commission.

**S.B. 91**, Relating to establishment of a school-community guidance center pilot programs. (With amendment)

**S.B. 365**, Relating to the name of and witness fees paid by the Judicial Qualifications Commission and the authority and compensation of a master.

**S.B. 210**, Authorizing museums and collectors to possess antique gambling devices. (With amendments)

**S.B. 1091**, Relating to changes in the primary nomination filing fee.

**S.B. 676**, Relating to testing and screening babies for hypothyroidism.

**S.B. 815**, Relating to valuation of an interest in certain minerals. (With amendment)

**S.B. 701**, Relating to the authority of capitol security police to carry firearms.

**S.B. 1325**, Relating to the composition of the State Board of Public Welfare.

**S.B. 495**, Authorizing the Department of Public Welfare to accept and operate a nursing home.

**S.B. 387**, Relating to continuing legal education of municipal court judges.

**S.B. 1302**, Relating to compulsory vehicle inspection.

**S.B. 1094**, Regulating write-in candidacy for public office. (With amendment)

**S.B. 170**, Relating to interception and divulgence of certain information.

**S.B. 222**, Relating to alien or nonresident fishing license fees. (With amendment)

**S.B. 656**, Relating to the practice of dentistry and dental hygiene.

**S.B. 882**, Relating to interest rates on public securities. (With amendments)

**S.B. 182**, Relating to the requirement for a mental health warrant. (As substituted)

**S.B. 183**, Relating to the calculation of time that a mental health patient may be detained without a court order. (As substituted)

**S.B. 168**, An act relating to the state's trust responsibility respecting Texas Indians; repealing Section 11, and amending Sections 2, 3, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20, and 21, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes). (With amendment)

**H.B. 724**, Relating to the time for filing professional liability claims against certain health care providers; amending Section 4, Article 5.82, Insurance Code.

**H.B. 2161**, Relating to the tuition paid at institutions of higher education by foreign students.

**H.B. 1095**, Relating to prevention of drug dependence and treatment of drug-dependent persons.

**H.B. 924**, Relating to the authority of the juvenile court to place juveniles in an MHMR facility.

**H.B. 151**, Relating to overtime pay for DPS officers.

**H.B. 1160**, Relating to payments in lieu of taxes by a municipally-owned public utility.

**H.B. 1576**, Requiring the secretary of state to hold seminars on the conduct of elections.

**H.B. 1080**, Relating to retirement benefits for certain members of the Judicial Retirement Systems of Texas.

All necessary rules suspended, and the conference committee report on **H.B. No. 510** adopted by a record vote of 75 ayes, 55 noes, 1 Present-Not Voting. Passed, subject to Sec. 49A, Art. 3, Constitution of Texas.

**H.B. 1695**, Relating to the location of a medical school by the UT Board of regents.

**H.B. 5**, Relating to establishment of The University of Texas Medical School at Tyler.

**H.B. 841**, Permitting a person to vote on an application for registration delivered to the presiding election judge on election day.

**H.B. 2207**, Relating to the assignment clerk of district courts of Bexar County.

**H.B. 1175**, Relating to venue in suits affecting parent-child relationship after divorce.

**H.B. 1193**, Relating to acquisition of a site for the Texas College of Osteopathic Medicine.

**H.B. 1141**, Relating to the membership of the Industrial Accident Board.

**H.B. 1644**, Relating to the taxation of mixed beverages.

**H.B. 2185**, Relating to legal representation for county officials and employees in certain suits.

**H.B. 1941**, Relating to the procedure for organizing a county executive committee of a political party holding primary elections when no county organization exists.

**H.B. 2247**, Relating to insured loans to graduate students in health professions.

**H.B. 1419**, Relating to the maximum length of time the Board of Control can take to pay for something. (With amendments)

**H.C.R. 185**, Instructing the Chief Clerk to correct an error in House Bill 1355.

**S.C.R. 100**, Allowing a corporation, NATKIN & COMPANY, Dallas, Texas, to sue the State of Texas.

**S.C.R. 104**, Authorizing renewal of Interagency Contract between Texas Legislative Council and Commission for the Blind to fulfill federal requirements of statewide studies.

**S.C.R. 101**, Granting Squire Johnson permission to sue the state.

**H.C.R. 183**, Congratulating Lamar University baseball team on winning Southland Conference championship.

**S.B. 1307**, Laid on Table Subject to Call.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

#### **COMMUNICATION FROM THE GOVERNOR**

The following Communication from the Governor was read and was filed with the Secretary of the Senate:

May 26, 1977

The Honorable Betty King  
Secretary of the Senate  
Capitol Station  
Austin, Texas

Dear Mrs. King:

On May 2, 1977 I submitted the nomination of Judge Jim Dear to be Judge of the 126th Judicial District of Texas to replace Judge James R. Meyers and to be effective upon Judge Meyers' resignation which will be July 1, 1977.

On the advice and recommendation of the Honorable Peyton McKnight, Chairman of the Senate Subcommittee on Nominations, I hereby ask that this nomination be returned to me because the 65th Legislature will adjourn sine die prior to the effective date of the resignation of Judge Meyers. Consequently, the 65th Session of the Texas Senate cannot take action to confirm this appointment.

I will submit the name of Judge Jim Dear for appointment as Judge of the 126th Judicial District of Texas upon the effective date of the resignation of Judge James R. Meyers.

Sincerely,

Dolph Briscoe  
Governor of Texas

#### COMMUNICATION FROM SECRETARY OF SENATE

The following Communication from the Secretary of the Senate was read:

May 27, 1977

The Honorable Dolph Briscoe  
Governor of Texas  
Austin, Texas

Dear Governor Briscoe:

Pursuant to your request, I am herewith returning the nomination of The Honorable Jim Dear of Austin, Travis County, to be Judge of the 126th District of Texas.

Sincerely,

Betty King  
Secretary of the Senate

#### REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 106  
H.C.R. 88  
H.C.R. 148  
H.C.R. 155  
H.B. 289  
C.S.H.B. 2194 (Read first time)  
C.S.H.B. 2238 (Read first time)  
H.B. 2240  
H.B. 2253

Senator Sherman submitted the following report for the Committee on Natural Resources:

H.J.R. 40  
S.R. 758  
H.B. 1470  
H.B. 1799 (Amended)  
H.B. 1967 (Amended)  
H.B. 2223

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 972  
H.B. 1830 (Amended)  
H.B. 1826  
H.B. 1776  
H.B. 371

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 1878

Senator Mauzy submitted the following report for the Committee on Education:

H.B. 955  
H.B. 932  
H.B. 799  
H.B. 744  
S.B. 1305  
H.B. 1512  
H.B. 2258  
H.B. 2236  
H.B. 1855  
H.B. 1012

Senator Aikin submitted the following report for the Committee on Finance:

C.S.H.B. 1 (Read first time)  
H.B. 1831  
H.B. 407

#### **HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

H.B. 5, To Committee on Education.  
H.B. 151, To Committee on Human Resources.  
H.B. 724, To Committee on Economic Development.  
H.B. 841, To Committee on State Affairs.  
H.B. 924, To Committee on Human Resources.  
H.B. 1080, To Committee on Intergovernmental Relations.  
H.B. 1095, To Committee on Human Resources.  
H.B. 1141, To Committee on Jurisprudence.  
H.B. 1160, To Committee on Intergovernmental Relations.  
H.B. 1175, To Committee on Administration.  
H.B. 1193, To Committee on State Affairs.  
H.B. 1419, To Committee on State Affairs.  
H.B. 1576, To Committee on State Affairs.  
H.B. 1644, To Committee on State Affairs.



**H.B. 1695**, To Committee on Education.  
**H.B. 1941**, To Committee on State Affairs.  
**H.B. 2161**, To Committee on State Affairs.  
**H.B. 2185**, To Committee on Intergovernmental Relations.  
**H.B. 2207**, To Committee on Intergovernmental Relations.  
**H.B. 2247**, To Committee on Education.  
**H.C.R. 140**, To Committee on Natural Resources.  
**H.C.R. 161**, To Committee on Administration.  
**H.C.R. 166**, To Committee on Administration.

### **SENATE RULE 103 SUSPENDED**

On motion of Senator Moore and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider the following bills:

**H.B. 443**  
**H.B. 1193**  
**H.B. 1576**  
**H.B. 1941**

### **HOUSE BILL 1341 REREFERRED**

Senator Jones of Harris moved that **H.B. 1341** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Administration.

The motion prevailed by the following vote: Yeas 22, Nays 6, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Mauzy, McKnight, Parker, Patman, Truan.

Present-Not Voting: Ogg.

Absent: Jones of Harris, Meier.

### **SENATE CONCURRENT RESOLUTION 111**

Senator Snelson offered the following resolution:

**S.C.R. 111**, Creating an Interim Committee on Special Education to make a thorough study of special education in Texas.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE CONCURRENT RESOLUTION 112**

Senator Jones of Harris offered the following resolution:

**S.C.R. 112**, Granting Primary Fuels, Inc., Salomon Brothers, Paul R. Haas, L. A. McNeil and Emmet C. Wilson permission to sue the State of Texas.

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the resolution was considered immediately and was adopted.

**SENATE CONCURRENT RESOLUTION 110**

Senator Jones of Taylor offered the following resolution:

WHEREAS, William B. Wilmot has directed the legal staff of the Texas Legislative Council since 1953 and will retire September 1, 1977; and

WHEREAS, In his twenty-four years with the Council he has recruited and trained one of the finest legal staffs, public or private, anywhere in this country, as Robert E. Johnson and most current and former members of the Texas Legislature will readily testify; and

WHEREAS, Bill Wilmot is loved by his staff and respected by his clients, we of the 65th Legislature, for the cheerful and selfless giving of himself to the work to which he dedicated himself so many years ago—that is, to the improvement of legislative counseling and legislative drafting in Texas; and

WHEREAS, All members of the House of Representatives and the Senate of the 65th Legislature of Texas want to express gratitude for his presence these past twenty-four years and wish him the happy and productive retirement to which he is amply entitled; now, therefore, be it

**RESOLVED**, by the Senate of the State of Texas, the House of Representatives concurring, that William B. Wilmot, Director of the Legal Staff of the Texas Legislative Council, be commended for the substantial and significant contributions he has made to the legislative process in Texas and be given our best wishes for happy memories of the past and joyful expectations of the future.

The resolution was read.

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

On motion of Senator Adams and by unanimous consent, the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereto.

**HOUSE CONCURRENT RESOLUTION 185 ON SECOND READING**

The Presiding Officer laid before the Senate on its second reading:

**H.C.R. 185**, Instructing Chief Clerk of the House of Representatives to correct error in **H.B. 1355**.

The resolution was read.

On motion of Senator Braecklein and by unanimous consent, the resolution was considered immediately and was adopted.

### CONFERENCE COMMITTEE REPORT SENATE BILL 54

Senator Doggett submitted the following Conference Committee Report:

Austin, Texas  
May 26, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 54** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

DOGGETT  
CLOWER  
SCHWARTZ  
JONES OF HARRIS  
On the part of the Senate

CEVERHA  
LALOR  
WILSON  
On the part of the House

### CONFERENCE COMMITTEE REPORT

S.B. No. 54

### A BILL TO BE ENTITLED

### AN ACT

relating to periodic review and termination of certain state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1.01. **SHORT TITLE.** This Act may be cited as the Texas Sunset Act.

Sec. 1.02. **DEFINITIONS.** In this Act:

(1) "State agency" means:

(A) an agency that is expressly made subject to this Act; or

(B) a department, commission, board, or other agency (except a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended) that:

(i) is created by statute after January 1, 1977;

(ii) is part of any branch of state government; and  
(iii) has authority that is not limited to a geographical portion of the state.  
(2) "Advisory committee" means a committee, council, commission, or other entity created by or pursuant to state law whose primary function is to advise a state agency.

(3) "Commission" means the Sunset Advisory Commission.

Sec. 1.03. SUNSET ADVISORY COMMISSION. (a) The Sunset Advisory Commission is created.

(b) The commission is composed of four members of the senate appointed by the lieutenant governor and four members of the house appointed by the speaker of the house. Each appointing authority may designate himself as one of the four appointees.

(c) Members appointed by the lieutenant governor and the speaker of the house serve four-year terms, with terms staggered so that the terms of one-half of the membership from each house expire every two years. When making the initial appointments, the lieutenant governor and the speaker of the house shall determine which of their respective appointees serve two-year terms and which serve four-year terms. If the lieutenant governor or the speaker serves on the commission, he continues to serve until resignation from the commission or until he ceases to hold the office.

(d) Once a person has served six years on the commission, he is not eligible for appointment to another term or part of a term. A member who has served more than half of a full term may not be appointed to any immediately succeeding term. These restrictions do not apply to the lieutenant governor or the speaker of the house.

(e) Each appointing authority shall make his appointments to the commission as soon as possible after final adjournment of the regular session.

(f) A member of the commission vacates his position on the commission when he ceases to be a member of the house from which he was appointed.

(g) A vacancy on the commission shall be filled for the unexpired part of the term in the same manner as the original appointment.

(h) The members of the commission elect a chairman every two years from among their members. The chairmanship must alternate between the house and senate.

(i) A quorum shall consist of at least six members, three of whom must be appointees of the lieutenant governor, and three of whom must be appointees of the speaker of the house. No final action or recommendation may be made unless approved by a record vote of a majority of the full membership of the appointees of the lieutenant governor and of the appointees of the speaker of the house.

(j) Each member of the commission is entitled to reimbursement from the appropriate fund of the member's respective house for the expenses he actually and necessarily incurs in performing the duties of the commission.

Sec. 1.04. STAFF. (a) The personnel of the Performance and Evaluation Section, or its successor, of the Legislative Budget Board shall serve as the staff of the commission.

(b) In addition to the staff provided for under Subsection (a) of this section, the commission may employ other persons authorized by appropriations and necessary for administering the provisions of this Act.

Sec. 1.05. REPORT ON ADVISORY COMMITTEES. Before October 30 of each calendar year, each state agency shall file an annual report with the secretary of state to register all of its advisory committees and report the following information regarding the agency's advisory committees:

(1) the official names of the advisory committees;

- (2) the statutory authority, if any, for the advisory committees;
- (3) the advisory committees' objectives and functions;
- (4) the period of time necessary for the advisory committees to carry out their objectives;
- (5) a reference to the reports that the advisory committees have presented to the agency;
- (6) the names and occupations of the current members of the advisory committees; and
- (7) other available information that will assist the staff and the commission to determine the need for continuing the advisory committees.

**Sec. 1.06. AGENCY REPORT TO COMMISSION.** Before October 30 of the odd-numbered year before the year a state agency is abolished according to this Act, the agency shall report to the commission:

- (1) information regarding the application to the agency of the criteria in Section 1.10 of this Act;
- (2) information specified in Section 1.05 of this Act regarding each of the agency's advisory committees; and
- (3) any other information that the agency considers appropriate or that is requested by the commission.

**Sec. 1.07. COMMISSION DUTIES.** Before June 1 of the even-numbered year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall:

- (1) review and take action necessary to verify the reports submitted by the agency under Section 1.06 of this Act;
- (2) consult the Legislative Budget Board, the Governor's Budget and Planning Office, the state auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Section 1.10 of this Act; and
- (3) conduct a performance evaluation of the agency based on the criteria provided in Section 1.10 of this Act and prepare a written report, which is a public record.

**Sec. 1.08. PUBLIC HEARINGS.** Between June 1 and November 1 of the calendar year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall conduct public hearing on, but not limited to, the application to the agency of the criteria provided in Section 1.10 of this Act, except that the commission may hold the public hearings before June 1 if the evaluation required by Section 1.07(3) of this Act has been completed and made available to the public.

**Sec. 1.09. COMMISSION REPORT.** Before December 15 of the calendar year before the year a state agency and its advisory committees are abolished according to this Act, the commission shall present to the legislature and the governor a report on the agency and its advisory committees. In the report the commission shall include its specific findings with regard to each of the criteria set forth in Section 1.10 of this Act, its recommendations based on the matters set forth in Section 1.11 of this Act, and other information considered necessary by the commission for a complete evaluation of the agency.

**Sec. 1.10. CRITERIA FOR REVIEW.** The staff and the commission shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

- (1) the efficiency with which the agency or advisory committee operates;
- (2) an identification of the objectives intended for the agency or advisory committee and the problem or need which the agency or advisory committee was intended to address, the extent to which the objectives have been achieved, and any

activities of the agency in addition to those granted by statute and the authority for these activities;

(3) an assessment of less restrictive or other alternative methods of performing any regulation that the agency performs which could adequately protect the public;

(4) the extent to which the advisory committee is needed and is used;

(5) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(6) whether the agency has recommended to the legislature statutory changes calculated to be of benefit to the public rather than to an occupation, business, or institution that the agency regulates;

(7) the promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency;

(8) the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates, and the extent to which the public participation has resulted in rules compatible with the objectives of the agency;

(9) the extent to which the agency has complied with applicable requirements of an agency of the United States or of this state regarding equality of employment opportunity and the rights and privacy of individuals;

(10) the extent to which changes are necessary in the enabling statutes of the agency so that the agency can adequately comply with the criteria listed in this section;

(11) the extent to which the agency issues and enforces rules relating to potential conflict of interests of its employees;

(12) the extent to which the agency complies with the "Open Records Act," Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), and with the "Open Meetings Act," Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6272-17, Vernon's Texas Civil Statutes); and

(13) the impact in terms of federal intervention or loss of federal funds if the agency is abolished.

**Sec. 1.11. RECOMMENDATIONS.** In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under Subdivision (1) of this section; and

(3) include drafts of legislation necessary to carry out the commission's recommendations under Subdivision (1) of this section.

**Sec. 1.12. RULES.** The commission shall adopt rules necessary to carry out this Act.

**Sec. 1.13. ABOLITION OF ADVISORY COMMITTEES.** Except as otherwise expressly provided by law, every advisory committee whose primary function is to advise a particular state agency is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law.

**Sec. 1.14. AGENCIES CREATED IN FUTURE.** Every state agency created by law enacted after January 1, 1977, is subject to this Act and to this section except as otherwise expressly provided by the law creating the agency. A state agency created by law enacted in a fiscal biennium is abolished at the end of the sixth succeeding fiscal biennium unless continued by law.

Sec. 1.15. CONTINUATION BY LAW. (a) During the regular session immediately preceding the abolition of a state agency or an advisory committee that is subject to this Act, the legislature by law may continue the agency or advisory committee for a period not to exceed 12 years.

(b) Nothing in this Act shall be construed to prohibit the legislature from terminating a state agency or advisory committee subject to this Act at a date earlier than that provided in this Act. Nothing in this Act shall be construed to prohibit the legislature from considering any other legislation relative to a state agency or advisory committee subject to this Act.

Sec. 1.16. LEGISLATIVE CONSIDERATION. (a) No more than one state agency and its functions and advisory committees may be considered for continuation, transfer, or modification in a bill, except that when consolidation of agencies or advisory committees or their functions is proposed, only the agencies or advisory committees involved in the consolidation may be considered in a legislative bill.

(b) In a bill to continue a state agency, to transfer its functions, or to consolidate it with another agency, the affected agency or agencies shall be mentioned in the title of the bill.

Sec. 1.17. AFTER TERMINATION. (a) On abolishment in the odd-numbered year, each state agency may continue in existence until September 1 of the next succeeding year for the purpose of concluding its business. Unless otherwise provided by law abolishment does not reduce or otherwise limit the powers or authority of each respective state agency during such concluding year. Upon the expiration of the one-year period after abolishment each respective state agency is terminated and shall cease all activities.

(b) Any unobligated and unexpended appropriations of a state agency or advisory committee lapse on September 1 of the even-numbered year after abolishment of the agency or advisory committee.

(c) All money in a dedicated fund of an abolished state agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee is transferred to the General Revenue Fund unless otherwise provided by law. The part of the law dedicating the money to a specific fund of an abolished agency becomes void on September 1 of the even-numbered year after abolishment of the agency.

(d) If an abolished state agency or advisory committee is funded in the General Appropriation Act for both years of the biennium, the abolished agency or advisory committee may not spend or obligate any of the money appropriated to it for the second year of the biennium, unless otherwise provided by law or rider in the appropriation bill.

(e) Property and records in the custody of a state agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee are transferred to the State Board of Control.

(f) If an abolished state agency or advisory committee has remaining outstanding bonded indebtedness, the responsibility for the management of the repayment of the bonded indebtedness through the continuation of that agency's functions, limited merely to the repayment function, shall be vested in the office of the comptroller of public accounts.

Sec. 1.18. SUBPOENA POWER. The commission may issue process to witnesses at any place in the state and compel their attendance and the production of books, records, papers, and other objects that may be necessary or proper for the purposes of the committee proceedings. The commission may issue attachments when necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this state. The chairman of the commission shall issue, in the name of the commission, the subpoenas that a

majority of the commission may direct. In the event the chairman is absent, the designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman. Witnesses attending proceedings of the commission under process are entitled to the same mileage and per diem as allowed witnesses before a grand jury in this state. The testimony taken under subpoena must be reduced to writing and must be given under oath subject to the penalties of perjury.

**Sec. 1.19. ASSISTANCE OF AND ACCESS TO STATE AGENCIES.**

(a) The commission may request the assistance of the state agencies and officers, and they shall assist the commission when requested to do so.

(b) In carrying out their functions under this Act, the commission or its designated staff member may inspect the records, documents, and files of any state agency.

**Sec. 1.20. RELOCATION OF EMPLOYEES.** When an employee is displaced because of the abolishment, reorganization, or continuation of a state agency or its advisory committees, the agency and the Texas Employment Commission shall make a reasonable effort to relocate the displaced employee.

**Sec. 1.21. SAVING CLAUSE.** Except as otherwise expressly provided, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition.

**ARTICLE 2. SPECIFIC SUNSET PROVISIONS**

**Sec. 2.001.** Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Turnpike Authority is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the authority is abolished, and this Act expires effective September 1, 1979."

**Sec. 2.002.** Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 76a to read as follows:

"Article 76a. The Pink Bollworm Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1979."

**Sec. 2.003.** Chapter 242, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145-3, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Stonewall Jackson Memorial Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

**Sec. 2.004.** Chapter 98, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5891.1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Navy, Incorporated, is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Texas Navy, Incorporated, is abolished, and this Act expires effective September 1, 1979."

**Sec. 2.005.** Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Board of Managers of the Texas State Railroad is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

**Sec. 2.006.** Chapter 139, Acts of the 50th Legislature, 1947, as amended (Article 6145-2, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:



"Section 2a. The Battleship Texas Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.007. Chapter 435, Acts of the 50th Legislature, 1947, as amended (Article 4101-2, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Good Neighbor Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.008. Section 4, Texas Pesticide Control Act, as amended (Article 135b-5a, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Pesticide Advisory Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1979."

Sec. 2.009. Section 5, The Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

"(k) The Texas Real Estate Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.010. The Texas Motor Vehicle Commission Code, as amended (Article 4413(36), Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Motor Vehicle Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.011. Chapter 134, Acts of the 58th Legislature, 1963 (Article 6701k, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Vehicle Equipment Safety Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1979."

Sec. 2.012. Section 3, Texas Nursing Home Administrators Licensure Act, as amended (Article 4442d, Vernon's Texas Civil Statutes), is amended by adding SubSection (10) to read as follows:

"(10) The Texas Board of Licensure for Nursing Home Administrators is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.013. Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes), is amended by adding Subsection N to read as follows:

"N. The State Board of Morticians is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.014. Section 3, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

"(j) The Texas Private Employment Agency Regulatory Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.015. Section 2, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

“(f) The Texas Cosmetology Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.016. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 26a to read as follows:

“Section 26a. The State Board of Barber Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.017. The Public Accountancy Act of 1945, as amended (Article 41a, Vernon's Texas Civil Statutes), is amended by adding Section 4b to read as follows:

“Section 4b. The Texas State Board of Public Accountancy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires September 1, 1979.”

Sec. 2.018. Title 14, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 304a to read as follows:

“Article 304a. The Board of Law Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979.”

Sec. 2.019. The State Bar Act, as amended (Article 320a-1, Vernon's Texas Civil Statutes), is amended by adding Section 2A to read as follows:

“Section 2A. The State Bar is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the State Bar is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.020. Chapter 14, Insurance Code, as amended, is amended by adding Article 14.40a to read as follows:

“Article 14.40a. The Burial Association Rate Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979.”

Sec. 2.021. Section 6, Chapter 13, Acts of the 42nd Legislature, 3rd Called Session, 1932, as amended (Article 6674g-7, Vernon's Texas Civil Statutes), is amended by adding Subsection (b-1) to read as follows:

“(b-1) The Board of County and District Road Indebtedness is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.022. Section 3, Texas Structural Pest Control Act, as amended (Article 135-b, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

“(e) The Texas Structural Pest Control Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.023. Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

“Section 2a. The Board of Architectural Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.024. Chapter 457, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

“Section 3a. The Texas State Board of Landscape Architects is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979.”

Sec. 2.025. The Registered Public Surveyors Act of 1955, as amended (Article 5282a, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The State Board of Registration for Public Surveyors is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.026. Chapter 2, Title 86, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5268a to read as follows:

"Article 5268a. The Board of Examiners of State Land Surveyors is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979."

Sec. 2.027. Chapter 8, Acts of the 61st Legislature, Regular Session, 1969, is amended by adding Section 1a to read as follows:

"Section 1a. The Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1981."

Sec. 2.028. Section 2, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.02, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.029. The Plumbing License Law of 1947, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Plumbing Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.030. Title 35, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 1682a to read as follows:

"Article 1682a. The State Board of Library Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.031. Section 5, Polygraph Examiners Act, as amended (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Polygraph Examiners Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.032. Section 4, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) The Texas Board of Private Investigators and Private Security Agencies is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.033. The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The State Board of Registration for Professional Engineers is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.034. The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), is amended by adding Section 6a to read as follows:

"Section 6a. The Texas Water Well Drillers Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.035. Subchapter C, Chapter 86, Texas Education Code, as amended, is amended by adding Section 86.511 to read as follows:

"Section 1B. The Texas Amusement Machine Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1981."

Sec. 2.037. Chapter 13, Acts of the 51st Legislature, 1st Called Session, 1950 (Article 4528b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Board of Tuberculosis Nurses Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.038. Section 4, Chapter 118, Acts of the 52nd Legislature, 1951, as amended (Article 4528c, Vernon's Texas Civil Statutes), is amended by adding Subsection (3) to read as follows:

"(e) The Board of Vocational Nurse Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.039. The Texas Optometry Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.040. Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Board of Pharmacy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.041. Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4513a to read as follows:

"Article 4513a. The Board of Nurse Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.042. Section 3, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Texas Board of Chiropractic Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.043. Section 2, Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512e, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Board of Physical Therapy Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.044. Chapter 11, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4568b to read as follows:

"Article 4568b. The Texas State Board of Podiatry Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.045. The Psychologists' Certification and Licensing Act, as amended (Article 4512c, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Examiners of Psychologists is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.046. Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The State Board of Examiners in the Basic Sciences is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.047. Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4543a to read as follows:

"Article 4543a. The State Board of Dental Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.048. Section 5, The Veterinary Licensing Act, as amended (Article 7465a, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

"(g) The State Board of Veterinary Medical Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.049. Chapter 6, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4495a to read as follows:

"Article 4495a. The Texas State Board of Medical Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.050. The Social Psychotherapist Regulation Act (Article 4512f, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Examiners in Social Psychotherapy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.051. Section 3, Article 5787, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Subsection (b-1) to read as follows:

"(b-1) The Veterans Affairs Commission of the State of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1981."

Sec. 2.052. Section 3, Chapter 344, Acts of the 49th Legislature, 1945, as amended (Article 46c-3, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Texas Aeronautics Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1981."

Sec. 2.053. Chapter 521, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(4), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission for the Texas Civil Air Patrol is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1981."

Sec. 2.054. Title 97A, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5931-1a to read as follows:

"Article 5931-1a. The Texas National Guard Armory Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Board is abolished, and this Title expires effective September 1, 1981."

Sec. 2.055. Section 1, Article 5781, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Subsection (c) to read as follows:

"(c) The Adjutant General's Department is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Department is abolished, and this Article expires effective September 1, 1981."

Sec. 2.056. Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 1a to read as follows:

"Section 1a. The Industrial Accident Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Board is abolished, and this article expires effective September 1, 1983."

Sec. 2.058. Article 1.02, Insurance Code, as amended, is amended by adding Subsection (4) to read as follows:

"(f) The State Board of Insurance is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.059. Section 10, Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended (Article 5221b-8, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

"(q) The Texas Employment Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983."

Sec. 2.060. Chapter 11, Title 112, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 6445a to read as follows:

"Article 6445a. The Railroad Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983."

Sec. 2.061. The Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended by adding Section 5a to read as follows:

"Section 5a. The Public Utility Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.062. Chapter 81, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 6008-1, Vernon's Texas Civil Statutes), is amended by adding Section 5a to read as follows:

"Section 5a. The office of Interstate Oil Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1983."

Sec. 2.063. Chapter 136, Acts of the 64th Legislature, 1975 (Article 5920-1, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Interstate Mining Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1983."

Sec. 2.064. Chapter 54, Acts of the 57th Legislature, Regular Session, 1961 (Article 4413c-1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The office of Southern Interstate Nuclear Compact Board Member for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the offices is abolished, and this Act expires effective September 1, 1983."

Sec. 2.065. Subchapter I, The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes), is amended by adding Article 3a to read as follows:

"Article 3a. The Finance Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983."

Sec. 2.066. Section 2, Securities Act, as amended (Article 581-2, Vernon's Texas Civil Statutes), is amended by adding Subsection F to read as follows:

"F. The State Securities Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.067. Article 5, Subchapter II, The Texas Banking Code of 1943, as amended (Article 342-205, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

"(j) The office of Savings and Loan Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1983."

Sec. 2.068. Section 11.01, Texas Credit Union Act, as amended (Article 2461-11.01, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Credit Union Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.069. Article 2.02, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-2.02, Vernon's Texas Civil Statutes), is amended by adding Subsection (8) to read as follows:

"(8) The Office of Consumer Credit Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1983."

Sec. 2.070. Subchapter II, The Texas Banking Code of 1943, as amended (Article 342-201 et seq., Vernon's Texas Civil Statutes), is amended by adding Article 1a to read as follows:

"Article 1a. The office of Banking Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1983."

Sec. 2.071. Article 15, Subchapter I, The Texas Banking Code of 1943, as amended (Article 342-115, Vernon's Texas Civil Statutes), is amended by adding Subsection 5 to read as follows:

"5. The State Banking Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.072. Chapter 1, Title 47, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 2525a to read as follows:

"Article 2525a. The State Depository Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.073. Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Department of Community Affairs is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this Act expires effective September 1, 1983."

Sec. 2.074. Chapter 12, Water Code, is amended by adding Section 12.0111 to read as follows:

"Sec 12.0111. The Texas Offshore Terminal Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this chapter expires effective September 1, 1983."

Sec. 2.075. The Texas Intergovernmental Cooperation Act, as amended (Article 4413(32b), Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas Advisory Commission on Intergovernmental Relations is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.076. Chapter 326, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413d-1, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of State-Federal Relations is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1983."

Sec. 2.077. Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 4413b-1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Commission on Interstate Cooperation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.078. Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1273b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Uniform State Laws is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.079. The Antiquities Code of Texas, as amended (Article 6145-9, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Antiquities Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1983."

Sec. 2.080. Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Commission on the Arts and Humanities is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.081. Chapter 502, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6145-10, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Historical Resources Development Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1983."

Sec. 2.082. Title 89, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5434a to read as follows:

"Article 5434a. The Texas Library and Historical Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983."

Sec. 2.083. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145a, Vernon's Texas Civil Statutes), is amended by adding Section 1b to read as follows:

"Section 1b. The Texas Historical Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.084. The Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Air Control Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1985."



Sec. 2.085. Chapter 279, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(38), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Coastal and Marine Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1985."

Sec. 2.0856. Chapter 807, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 6145-7, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Conservation Foundation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the foundation is abolished, and this Act expires effective September 1, 1985."

Sec. 2.087. Chapter 91, Parks and Wildlife Code, is amended by adding Section 91.0011 to read as follows:

"Sec. 91.0011. The office of Gulf States Marine Fisheries Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.088. Chapter 88, Texas Education Code, as amended, is amended by adding Section 88.1011 to read as follows:

"Sec. 88.1011. The office of State Forester is subjected to the Texas Sunset Act, and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.089. Title 17, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 549a to read as follows:

"Article 549a. The office of State Entomologist is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.090. Chapter 43, Water Code, is amended by adding Section 43.0031 to read as follows:

"Sec. 43.0031. The office of Canadian River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.091. Chapter 43, Water Code, is amended by adding Section 42.0031 to read as follows:

"Sec. 42.0031. The office of Pecos River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.092. Chapter 45, Water Code, as amended, is amended by adding Section 45.0011 to read as follows:

"Sec. 45.0011. The office of Red River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.093. Chapter 41, Water Code, as amended, is amended by adding Section 41.0031 to read as follows:

"Sec. 41.0031. The office of Rio Grande Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.094. Chapter 44, Water Code, as emended, is amended by adding Section 44.0031 to read as follows:

"Sec. 44.0031. The office of Sabine River Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.095. Chapter 325, Acts of the 52nd Legislature, 1951, as amended (Article 5382d, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Boards for Lease of State-Owned Lands are subject to the Texas Sunset Act; and unless each board is continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.096. Section 66.62, Texas Education Code, as amended, is amended by adding Subsection (e) to read as follows:

"(e) The Board for Lease of University Lands is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.097. Section 4, State Soil Conservation Law, as amended (Article 165a-4, Vernon's Texas Civil Statutes), is amended by adding Subsection I to read as follows:

"I. The State Soil Conservation Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1985."

Sec. 2.098. Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5421m, Vernon's Texas Civil Statutes), is amended by adding Section 2(D) to read as follows:

"Section 2(D). The Veterans' Land Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1985 and of every 12th year after 1985 are reviewed."

Sec. 2.099. Section 5, Chapter 3, page 465, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 5421c-3, Vernon's Texas Civil Statutes), is amended by adding Subsection 3a to read as follows:

"3a. The School Land Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.099a. Chapter 11, Parks and Wildlife Code, as amended, is amended by adding Section 11.0111 to read as follows:

"Sec. 11.0111. The Parks and Wildlife Department is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1985."

Sec. 2.100. Subchapter B, Chapter 88, Texas Education Code, as amended, is amended by adding Section 88.1131 to read as follows:

"Sec. 88.1131. The office of South Central Interstate Forest Fire Protection Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.101. Section 1, Chapter 320, Acts of the 59th Legislature, Regular Session, 1965 (Article 695k, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Governor's Committee on Aging is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1985."

Sec. 2.102. Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 3207a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Commission for the Blind is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.103. Article 664-5, Revised Civil Statutes of Texas, 1925, is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Committee on Purchases of Blind-made Products and Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1985."

Sec. 2.104. Chapter 626, Acts of the 64th Legislature, 1975 (Article 664-6, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Committee on Purchases of Blind-made Products and Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1985."

Sec. 2.105. Chapter 352, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 4447c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Coordinating Commission for State Health and Welfare Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.106. Article 2, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 2.01B to read as follows:

"Section 2.01B. The Texas Department of Mental Health and Mental Retardation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this article expires effective September 1, 1985."

Sec. 2.107. Chapter 316, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561f, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The office of Interstate Compact on Mental Health Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1985."

Sec. 2.108. Section 2, Chapter 640, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(42), Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The State Commission for the Deaf is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.109. Section 2, The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), is amended by adding Subsection (4) to read as follows:

"(4) The State Department of Public Welfare is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this Act expires effective September 1, 1985."

Sec. 2.110. Chapter 711, Acts of the 62nd Legislature, Regular Session, 1971, (Article 4413(43), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Commission on Services to Children and Youth is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.111. Section 4, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Texas Commission on Alcoholism is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.112. Chapter 13, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4583a to read as follows:

"Article 4583a. The Anatomical Board of the State of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.113. Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4414a et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Department of Health Resources is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1985."

Sec. 2.114. The Texas Health Planning and Development Act (Article 4418h, Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Health Facilities Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and Subchapters B and C of this Act expire effective September 1, 1985."

Sec. 2.115. Section 4, Chapter 201, Acts of the 60th Legislature, Regular Session, 1967 (Article 5182a, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) The Occupational Safety Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1985."

Sec. 2.116. Chapter 30, Texas Education Code, as amended, is amended by adding Section 30.111 to read as follows:

"Sec. 30.111. The Texas Rehabilitation Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.117. Chapter 5, Water Code, as amended, is amended by adding Section 5.0911 to read as follows:

"Sec. 5.0911. The Texas Water Development Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1985 and of every 12th year after 1985 are reviewed."

Sec. 2.118. Chapter 5, Water Code, as amended, is amended by adding Section 5.0121 to read as follows:

"Sec. 5.0121. The Texas Department of Water Resources is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.119. Chapter 5, Water Code, as amended, is amended by adding Section 5.2211 to read as follows:

"Sec. 5.2211. The Texas Water Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Sec. 2.120. Chapter 8, Title 121, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7009c to read as follows:

"Article 7009c. The Texas Animal Health Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1987."

Sec. 2.121. Subchapter C, Chapter 88, Texas Education Code, is amended by adding Section 88.2031 to read as follows:

"Sec. 88.2031. The Texas Agricultural Experiment Station is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the station is abolished, and this subchapter expires effective September 1, 1987."

Sec. 2.122. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.002 to read as follows:

"Sec. 88.002. The Texas Agricultural Extension Service is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the service is abolished effective September 1, 1987."

Sec. 2.123. Chapter 524, Acts of the 51st Legislature, Regular Session, 1949 (Article 165-7, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Poultry Improvement Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1987."

Sec. 2.124. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.004 to read as follows:

"Sec. 88.004. The Texas Engineering Experiment Station is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the station is abolished effective September 1, 1987."

Sec. 2.125. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.003 to read as follows:

"Sec. 88.003. The Texas Engineering Extension Service is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the service is abolished effective September 1, 1987."

Sec. 2.126. Chapter 1, Title 4, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 47a to read as follows:

"Article 47a. The office of Commissioner of Agriculture is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1987."

Sec. 2.127. Chapter 474, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 165-4a, Vernon's Texas Civil Statutes), is amended by adding Section 2b to read as follows:

"Section 2b. The Natural Fibers and Food Protein Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.128. Section 3, Texas Seed and Plant Certification Act (Article 67b, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The State Seed and Plant Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1987."

Sec. 2.129. Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 4413(1) et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Department of Public Safety is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1987."

Sec. 2.130. Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166a et seq., Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Board of Corrections is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1987."

Sec. 2.131. Chapter 480, Acts of the 64th Legislature, 1975 (Article 5115.1, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Commission on Jail Standards is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.132. Chapter 516, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 5966a, Vernon's Texas Civil Statutes), is amended by adding Section 1A to read as follows:

"Section 1A. The State Judicial Qualifications Commission is subject to the Texas Sunset Act, but it is not abolished under that Act. The commission shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.133. Article 42.12, Code of Criminal Procedure, as amended, is amended by adding Section 12a to read as follows:

"Section 12a. The Board of Pardons and Paroles is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.134. Article 42.11, Code of Criminal Procedure, 1965, as amended, is amended by adding Section 3a to read as follows:

"Section 3a. The office of Interstate Parole Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Article expires effective September 1, 1987."

Sec. 2.135. Article I, Texas Liquor Control Act, as amended (Article 666-1 et seq., Vernon's Texas Penal Auxiliary Laws), is amended by adding Section 5c to read as follows:

"Section 5c. The Texas Alcoholic Beverage Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.136. Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Law Enforcement Officer Standards and Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.137. Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes), is amended by adding Section 19A to read as follows:

"Section 19A. The office of Firemen's Pension Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires September 1, 1987."

Sec. 2.138. Chapter 668, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(35), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Fire Protection Personnel Standards and Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expired effective September 1, 1987."

Sec. 2.139. Chapter 312, Acts of the 52nd Legislature, 1951 (Article 6889-5, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Interstate Civil Defense and Disaster Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1987."

Sec. 2.140. Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Civil Judicial Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1987."

Sec. 2.141. Chapter 722, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5444b, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The State Law Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1987."

Sec. 2.142. Title 38, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 1811aa to read as follows:

"Article 1811aa. The office of State Prosecuting Attorney is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1987."

Sec. 2.143. Section 4, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 5143d, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) The Texas Youth Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1987."

Sec. 2.144. Chapter 1, Title 20, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 601a to read as follows:

"Article 601a. The State Board of Control is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1987."

Sec. 2.145. Chapter 32, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6252-6b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Surplus Property Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished, and this Act expires effective September 1, 1987."

Sec. 2.146. Chapter 514, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 678m, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Building Commission is subject to the Texas Sunset Act, but it is not abolished under that Act. The commission shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.147. Article 6663, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Paragraph (c) to read as follows:

"(c) The State Department of Highways and Public Transportation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1987."

Sec. 2.148. Subchapter B, Chapter 11, Texas Education Code, as amended, is amended by adding Section 11.211 to read as follows:

"Sec. 11.211. The State Board of Education is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and every 12th year after 1989 are reviewed."

Sec. 2.149. Subchapter A, Chapter 11, Texas Education Code, as amended, is amended by adding Section 11.011 to read as follows:

"Sec. 11.011. The Central Education Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished effective September 1, 1989."

Sec. 2.150. Chapter 161, Texas Education Code, is amended by adding Section 161.021 to read as follows:

"Sec. 161.021. The office of Compact for Education Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1989."

Sec. 2.151. Subchapter B, Chapter 61, Texas Education Code, as amended, is amended by adding Section 61.0211 to read as follows:

"Sec. 61.0211. The Coordinating Board, Texas College and University System, is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished and this chapter expires effective September 1, 1989."

Sec. 2.152. Section 13.031, Texas Education Code, as amended, is amended by adding Subsection (c) to read as follows:

"(c) The Board of Examiners for Teacher Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.153. Section 12.11, Texas Education Code, is amended by adding Subsection (g) to read as follows:

"(g) The State Textbook Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1989."

Sec. 2.154. Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Rural Medical Education Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.155. Chapter 160, Texas Education Code, as amended, is amended by adding Section 160.041 to read as follows:

"Sec. 160.041. The office of Southern Regional Education Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1989."

Sec. 2.156. Subchapter D, Chapter 13, Texas Education Code, as amended, is amended by adding Section 13.2031 to read as follows:

"Sec. 13.2031. The Teachers' Professional Practices Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1989."

Sec. 2.157. Section 51.153, Texas Education Code, is amended by adding Subsection (e) to read as follows:

"(e) The Western Information Network Association is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the association is abolished effective September 1, 1989."



Sec. 2.158. Section 51.168, Texas Education Code, is amended by adding Subsection (d) to read as follows:

"(d) An information network association created under this section is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the association is abolished effective September 1, 1989."

Sec. 2.159. Section 3, Chapter 889, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(44), Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Governor's Commission on Physical Fitness is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires September 1, 1989."

Sec. 2.160. Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Indian Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1989."

Sec. 2.161. Chapter 293, Acts of the 48th Legislature, Regular Session, 1943 (Article 4413a-8, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Legislative Audit Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1989."

Sec. 2.162. Chapter 487, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Legislative Budget Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1989."

Sec. 2.163. Chapter 324, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Legislative Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1989."

Sec. 2.164. Chapter 55, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5444a, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Legislative Reference Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1989."

Sec. 2.165. Section 1, Chapter 137, Acts of the 58th Legislature, 1963, as amended (Article 6144f, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Tourist Development Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished, and this Act expires effective September 1, 1989."

Sec. 2.166. Chapter 13, Acts of the 62nd Legislature, 4th Called Session, 1972 (Article 4413(45), Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Film Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1989."

Sec. 2.167. Chapter 1, Title 83, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5144a to read as follows:

"Article 5144a. The office of Commissioner of Labor and Standards is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1989."

Sec. 2.168. Chapter 4, Title 122, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7098b to read as follows:

"Article 7098b. The State Tax Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.169. Section 1, Chapter 1, Acts of the 56th Legislature, 1st Called Session, 1959 (Article 4348a, Vernon's Texas Civil Statutes), is amended by adding Subsection c to read as follows:

"c. The Committee on State Revenue Estimates is subject to the Texas Sunset Act; and unless in existence as provided by that Act the committee is abolished effective September 1, 1989."

Sec. 2.170. Chapter 1, Title 122, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7041a to read as follows:

"Article 7041a. The board to calculate the ad valorem tax rate is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.171. Chapter 9, Texas Election Code, as amended (Article 9.01 et seq., Vernon's Texas Election Code), is amended by adding Article 157a to read as follows:

"Article 157a. The State Board of Canvassers is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.172. Section 2, Chapter 566, Acts of the 60th Legislature, Regular Session, 1967 (Article 7359a, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The office of Multistate Tax Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1989."

Sec. 2.173. Chapter 1, Title 70, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4330a to read as follows:

"Article 4330a. The office of secretary of state is subject to the Texas Sunset Act, but it is not abolished under that Act. The office shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.174. Section 3.59, Texas Education Code, as amended, is amended by adding Subsection (d-1) to read as follows:

"(d-1) The State Board of Trustees of the Teachers Retirement System of Texas is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.175. Subsection A, Section 6, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended by adding Subdivision 1a to read as follows:

"1a. The State Board of Trustees of the Employees Retirement System of Texas is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.176. Section 8, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes), is amended by adding Subsection 1a to read as follows:

"1a. The Board of Trustees of the Texas County and District Retirement System is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.177. Section VIII, Chapter 75, Acts of the 50th Legislature, 1947 (Article 6243h, Vernon's Texas Civil Statutes), is amended by adding Subsection 1a to read as follows:

"1a. The Board of Trustees of the Texas Municipal Retirement System is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

#### ARTICLE 3. MISCELLANEOUS PROVISIONS

Sec. 3.01. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### SENATE BILL 522 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 522** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 522** by striking the word "shall" at line 16, page 7, and substituting in its place the word "may".

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### CONFERENCE COMMITTEE REPORT SENATE BILL 569

Senator Ogg submitted the following Conference Committee Report:

Austin, Texas  
May 27, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 569** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

OGG  
WILLIAMS  
BROOKS  
JONES OF HARRIS  
MENGDEN  
On the part of the Senate

ALLEN  
WASHINGTON  
WATSON  
LAUHOFF  
CARAWAY  
On the part of the House

#### CONFERENCE COMMITTEE REPORT

S.B. No. 569

#### A BILL TO BE ENTITLED

#### AN ACT

relating to the creation, jurisdiction, administration, terms, and procedures of a new county civil court at law for Harris County; fixing the qualification of the judge and providing for his election or appointment, his term, and compensation; providing for exchange of benches between the county civil and criminal courts; providing for a special judge; prescribing duties of the county clerk; providing for a court reporter; making other provisions relative to the courts; and declaring an emergency.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) There is hereby created one court to be held in Harris County, Texas, to be called the "County Civil Court at Law No. 4 of Harris County, Texas." The seal of the court shall be the same as provided by law for county courts, except the seal shall contain the words "County Civil Court at Law No. 4."

(b) The county civil court at law of Harris County created in this Act shall have the same jurisdiction over civil matters, proceedings, and cases that is now or may be vested in the County Civil Courts at Law Nos. 1, 2, and 3 and shall have jurisdiction in civil actions, and the judge thereof exercises equal administrative and ministerial jurisdiction in matters of the filing and disposition of proceedings in eminent domain, concurrently and coextensively with the judge presiding in County Civil Court at Law No. 1 and the judge presiding in County Civil Court at Law No. 2 and the judge presiding in County Civil Court at Law No. 3, under the constitution and laws of Texas. The court created in this Act shall have appellate jurisdiction likewise in appeals of civil cases from the justice courts within Harris County. The

judge of this court shall have the same powers, rights, and privileges as to civil matters as are or may be vested in the judges of county courts having civil jurisdiction, except that the court created in this Act shall have no jurisdiction over any of those matters which are now vested exclusively in the County Court of Harris County or in the judge thereof.

(c) The county civil court at law of Harris County created in this Act shall have jurisdiction in all civil matters and causes, original and appellate, except probate matters, over which, by the constitution and general laws of the State of Texas, the county court of the county would have formerly had jurisdiction, and shall have equal and like jurisdiction over civil cases and civil proceedings in the same manner as jurisdiction has been heretofore exercised in civil cases and civil proceedings and in eminent domain by the County Civil Courts at Law Nos. 1, 2, and 3. The County Civil Courts at Law Nos. 1, 2, 3, and 4 shall have special jurisdiction in matters of eminent domain, and the judges thereof shall have sole administrative and ministerial jurisdiction to file and dispose of proceedings in eminent domain concurrently and coextensively when filed in either of these civil courts or with the respective judges thereof.

(d) The terms of the county civil court at law of Harris County created in this Act and the practice therein and appeals and writs of error therefrom shall be as prescribed by laws relating to county courts. The terms of the Harris County civil court at law created in this Act for civil cases shall be held as now established for the terms of the County Civil Courts at Law Nos. 1, 2, and 3 of Harris County until the same be changed in accordance with the law.

The court created in this Act shall hold six terms a year, beginning respectively on the first Monday in January, in March, in May, in July, in September, and in November of each year, and each term shall continue until the business is disposed of.

(e) As soon as practicable after this Act becomes effective, the Commissioners Court of Harris County shall appoint a judge to the county civil court at law of Harris County created in this Act, who shall have the qualifications herein prescribed and shall serve until the next general election and until his successor shall be duly elected and qualified. At the general election in 1978 and every fourth year thereafter, there shall be elected by the qualified voters of Harris County a judge of each of the county civil courts at law of Harris County created in this Act for a regular term of four years as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution. The judge shall have been a duly licensed and practicing member of the bar of this state for not less than five years. The judge shall be compensated as provided by law and shall be paid out of the county treasury by the commissioners court in equal monthly installments. A vacancy occurring in the office of a judge of the Harris County civil court at law created in this Act shall be filled by the Commissioners Court of Harris County, the appointee thereof to hold office until the next succeeding general election and until his successor shall be duly elected and qualified.

(f) The judge of the Harris County civil court at law created in this Act shall execute a bond and take the oath of office as required by the law relating to county judges.

(g) A special judge of the Harris County civil court at law created in this Act may be appointed or elected as provided by law relating to county courts and to the judges thereof.

(h) The County Clerk of Harris County shall be the clerk of the Harris County civil court at law created in this Act. The Sheriff of Harris County shall, in person or by deputy, attend the court when required by the judge thereof.

The county clerk shall keep separate dockets for each of the County Civil Courts Nos. 1, 2, 3, and 4 and shall tax the official court reporter's fee as costs in

civil actions filed in each of these courts in like manner as the fee is taxed in civil cases in the district courts.

Beginning as soon as practicable after the effective date of this Act, the county clerk shall file all civil cases and civil proceedings exclusively in the County Civil Courts at Law Nos. 1, 2, 3, and 4 and shall file the civil cases alternately in each of these courts as presented for filing.

(i) In case of disqualification, an overcrowded docket, sickness, or absence from the county of any of the judges of the County Civil Courts at Law Nos. 1, 2, 3, and 4 or county criminal courts at law, any other judge of these courts may exchange benches with any other county court at law judge of Harris County, and when so exchanging benches with any other of the county court at law judges of Harris County, the judge of the county civil court at law of Harris County created in this Act shall have all power and jurisdiction of the county civil or county criminal courts at law, and of the judge thereof, while so exchanging benches. In like manner, the judges of the county civil or criminal courts at law of Harris County shall have all the power and jurisdiction of any other of these civil or criminal county courts at law, and of the judges thereof, while so exchanging benches, and may sign orders, judgments and decrees, or other process as "Judge Presiding" when acting for the disqualified or absent judge upon request or in an emergency or for good cause shown.

(j) The judge of the county civil court at law of Harris County created in this Act may appoint and discharge an official court reporter in the same manner as such a reporter is appointed or discharged by the district courts. An official court reporter shall receive the same salary as the reporters of the district courts of Harris County, to be paid by the county treasurer out of the general fund of the county, and in addition to the salary shall receive the compensation for transcript fees as provided by law.

Sec. 2. This Act takes effect on January 1, 1978.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **CONFERENCE COMMITTEE REPORT SENATE BILL 266**

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas  
May 26, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 266** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in form and text hereto attached.

MAUZY  
SCHWARTZ  
WILLIAMS  
SNELSON  
PARKER  
On the part of the Senate

EVANS  
MALONEY  
CRADDICK  
WASHINGTON  
On the part of the House

### CONFERENCE COMMITTEE REPORT

By: Mauzy

**S.B. 266**

### A BILL TO BE ENTITLED

### AN ACT

providing for the administration of family law by replacing the juvenile courts of Dallas and Harris counties and all functioning domestic relations courts with district courts of general jurisdiction to be called family district courts; providing for these courts' jurisdiction, terms, personnel, facilities, and administration; restructuring existing juvenile boards in certain counties and providing for the future creation and organization of juvenile boards in other counties; repealing the laws creating and providing for the replaced courts; repealing the laws providing for creation of domestic relations courts in Lubbock and Starr counties.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**  
**SUBCHAPTER A. GENERAL PROVISIONS**

Section 1.01. **SHORT TITLE.** This Act may be cited as the Family District Court Act.

Sec. 1.02. **PURPOSE.** (a) This Act substitutes district courts of general jurisdiction, to be called family district courts, for the existing domestic relations courts and special juvenile courts. It also restructures existing juvenile boards in certain counties and provides for the future creation and organization of juvenile boards in other counties. Subchapter A contains general provisions applicable to all family district courts, now or later created, and Subchapter B creates the new family district courts. Subchapter C contains temporary provisions.

(b) This Act is designed so that future legislatures may create new family district courts by adding a section to Subchapter B without repeating the general provisions of Subchapter A relating to jurisdiction, terms, personnel, facilities, and administration of all family district courts.

Sec. 1.03. **JURISDICTION.** (a) A family district court has the jurisdiction and power provided for district courts by the constitution and laws of this state. Its jurisdiction is concurrent with that of other district courts in the county in which it is located.

(b) A family district court shall have primary responsibility for cases involving family law matters. These matters include, but are not limited to:

- (1) adoptions;
- (2) birth records;
- (3) divorce and marriage annulment;

(4) child welfare, custody, support and reciprocal support, dependency, neglect, and delinquency;

(5) parent and child; and

(6) husband and wife.

(c) This Act does not limit the jurisdiction of other district courts nor relieve them of responsibility for handling cases involving family law matters.

Sec. 1.04. **TERMS OF COURT.** The terms of a family district court begin on the first Monday in January and the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

Sec. 1.05. **JUDGE.** (a) A family district court judge's qualifications and term of office are the same as those prescribed by the constitution and laws of this state for district judges. A family district court judge is elected in the same manner as a district judge.

(b) A family district court judge is entitled to the same compensation and allowances provided by the state and county for the other district judges in his county.

Sec. 1.06. **COURT OFFICIALS, PERSONNEL, AND FACILITIES.** (a)

Each family district court judge may appoint an official court reporter. The reporter must have the qualifications prescribed by law for that office and is entitled to the same compensation, fees, and allowances provided by law for other official court reporters in the county.

(b) The district attorney, criminal district attorney, or county attorney, and the sheriff and district clerk shall serve each family district court in his county in the same manner he serves the district court or courts of his county.

(c) The commissioners court of the county in which a family district court is located shall provide the physical facilities and the deputy clerks, bailiffs, and other personnel necessary to operate the family district court.

Sec. 1.07. **COUNTY JUVENILE BOARD.** (a) Except as otherwise provided in this section, when a family district court is created in a county, that county's juvenile board is composed of the county judge, the family district court judge or judges, the district judge or judges whose jurisdiction includes the county, and the judges of all other courts in the county having jurisdiction over juvenile matters. Except in counties where there is only one family district court judge, the members of the juvenile board shall select a family district court judge to serve as chairman of the board. The juvenile board has the powers and duties prescribed by law.

(b) The juvenile board shall appoint a chief juvenile probation officer who shall serve as the chief administrative officer of the family district court at the pleasure of the juvenile board. Subject to approval of the juvenile board, the chief juvenile probation officer shall select as many assistant probation officers and other personnel as are necessary to perform the duties assigned him by the juvenile board.

(c) The commissioners court may compensate juvenile board members for their duties performed on the juvenile board beyond such compensation as is otherwise provided for by law, and this compensation is in addition to all other compensation paid by the state or county to district, family district, and county judges. On recommendation of the juvenile board, the commissioners court shall also:

(1) fix the compensation of the chief juvenile probation officer and the members of his staff; and

(2) provide the physical facilities necessary to operate the juvenile board.

(d) The creation of a family district court in a county also creates a juvenile board in that county if one does not exist.

(e) This Act does not affect the composition or organization of any juvenile board existing on the effective date of the Act, except that the judges of the courts of



domestic relations and of the juvenile courts are replaced by the family district court judges.

Sec. 1.08(b) Each judge, at his option, may pay into the state treasury no less than six percent plus interest of that salary that would have been paid to him had he been paid by the state for his full tenure on any court of domestic relations or special juvenile court. Upon such payment and the compliance with the transfer herein provided the judge will be given full credit for such tenure toward state judicial retirement.

In addition for such full credit to apply, any judge of the Family District Court who elects to secure credit in the judicial retirement system pursuant to this section 1.08(b) shall forfeit all rights to any county and district retirement system other than the reserves for the additional funds, if any, paid by the county to such judge over and above the amount of State salary paid to district judges by the state, for the tenure for which credit is sought. Such county and district retirement systems shall transfer to the judicial retirement system all sums credited to the account of such judge except the amount paid in for such additional salary, if any, whether paid by the judge or by the employer, plus accumulated interest thereon, in such county and district retirement system. Such sum paid into the Judicial retirement system by any county and district retirement systems shall be first applied against the judges' required six percent payment herein set out and any remainder shall remain in the State General Revenue Fund.

#### SUBCHAPTER B. CREATING FAMILY DISTRICT COURTS

Section 2.01. 300TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 300th Judicial District is created. Its boundaries are coextensive with the boundaries of Brazoria County, and its court, which replaces the Court of Domestic Relations for Brazoria County, is the 300th District Court. The 300th District Court may be called the Family District Court for the 300th Judicial District.

Sec. 2.02. 301ST DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 301st Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the Court of Domestic Relations for Dallas County, is the 301st District Court. The 301st District Court may be called the Family District Court for the 301st Judicial District.

Sec. 2.03. 302ND DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 302nd Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the Court of Domestic Relations No. 2 for Dallas County, is the 302nd District Court. The 302nd District Court may be called the Family District Court for the 302nd Judicial District.

Sec. 2.04. 303RD DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 303rd Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the Court of Domestic Relations No. 3 for Dallas County, is the 303rd District Court. The 303rd District Court may be called the Family District Court for the 303rd Judicial District.

Sec. 2.05. 304TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 304th Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the Juvenile Court of Dallas County, is the 304th District Court. The 304th District Court may be called the Family District Court for the 304th Judicial District.

Sec. 2.06. 305TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 305th Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the

Juvenile Court No. 2 of Dallas County, is the 305th District Court. The 305th District Court may be called the Family District Court for the 305th Judicial District.

Sec. 2.07. 306TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 306th Judicial District is created. Its boundaries are coextensive with the boundaries of Galveston County, and its court, which replaces the Court of Domestic Relations for Galveston County, is the 306th District Court. The 306th District Court may be called the Family District Court for the 306th Judicial District.

Sec. 2.08. 307TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 307th Judicial District is created. Its boundaries are coextensive with the boundaries of Gregg County, and its court, which replaces the Court of Domestic Relations for Gregg County, is the 307th District Court. The 307th District Court may be called the Family District Court for the 307th Judicial District.

Sec. 2.09. 308TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 308th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Court of Domestic Relations for Harris County, is the 308th District Court. The 308th District Court may be called the Family District Court for the 308th Judicial District.

Sec. 2.10. 309TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 309th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Court of Domestic Relations No. 2 for Harris County, is the 309th District Court. The 309th District Court may be called the Family District Court for the 309th Judicial District.

Sec. 2.11. 310TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 310th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Court of Domestic Relations No. 3 for Harris County, is the 310th District Court. The 310th District Court may be called the Family District Court for the 310th Judicial District.

Sec. 2.12. 311TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 311th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Court of Domestic Relations No. 4 for Harris County, is the 311th District Court. The 311th District Court may be called the Family District Court for the 311th Judicial District.

Sec. 2.13. 312TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 312th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Court of Domestic Relations No. 5 for Harris County, is the 312th District Court. The 312th District Court may be called the Family District Court for the 312th Judicial District.

Sec. 2.14. 313TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 313th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Juvenile Court for Harris County, is the 313th District Court. The 313th District Court may be called the Family District Court for the 313th Judicial District.

Sec. 2.15. 314TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 314th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Juvenile Court No. 2 for Harris County, is the 314th District Court. The 314th

District Court may be called the Family District Court for the 314th Judicial District.

Sec. 2.16. 315TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 315th Judicial District is created. Its boundaries are coextensive with the boundaries of Harris County, and its court, which replaces the Juvenile Court No. 3 for Harris County, is the 315th District Court. The 315th District Court may be called the Family District Court for the 315th Judicial District.

Sec. 2.17. 316TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 316th Judicial District is created. Its boundaries are coextensive with the boundaries of Hutchinson County, and its court, which replaces the Court of Domestic Relations for Hutchinson County, is the 316th District Court. The 316th District Court may be called the Family District Court for the 316th Judicial District.

Sec. 2.18. 317TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 317th Judicial District is created. Its boundaries are coextensive with the boundaries of Jefferson County, and its court, which replaces the Court of Domestic Relations for Jefferson County, is the 317th District Court. The 317th District Court may be called the Family District Court for the 317th Judicial District.

Sec. 2.19. 318TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 318th Judicial District is created. Its boundaries are coextensive with the boundaries of Midland County, and its court, which replaces the Court of Domestic Relations for Midland County, is the 318th District Court. The 318th District Court may be called the Family District Court for the 318th Judicial District.

Sec. 2.20. 319TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 319th Judicial District is created. Its boundaries are coextensive with the boundaries of Nueces County, and its court, which replaces the Court of Domestic Relations for Nueces County, is the 319th District Court. The 319th District Court may be called the Family District Court for the 319th Judicial District.

Sec. 2.21. 320TH DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 320th Judicial District is created. Its boundaries are coextensive with the boundaries of Potter County, and its court, which replaces the Court of Domestic Relations for Potter County, is the 320th District Court. The 320th District Court may be called the Family District Court for the 320th Judicial District.

Sec. 2.22. 321ST DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 321st Judicial District is created. Its boundaries are coextensive with the boundaries of Smith County, and its court, which replaces the Court of Domestic Relations for Smith County, is the 321st District Court. The 321st District Court may be called the Family District Court for the 321st Judicial District.

Sec. 2.23. 322ND DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 322nd Judicial District is created. Its boundaries are coextensive with the boundaries of Tarrant County, and its court, which replaces the Court of Domestic Relations No. 1 for Tarrant County, is the 322nd District Court. The 322nd District Court may be called the Family District Court for the 322nd Judicial District.

Sec. 2.24. 323RD DISTRICT COURT. On the effective date specified in Section 3.02 of this Act, the 323rd Judicial District is created. Its boundaries are coextensive with the boundaries of Tarrant County, and its court, which replaces the Court of Domestic Relations No. 2 for Tarrant County, is the 323rd District Court.

The 323rd District Court may be called the Family District Court for the 323rd Judicial District.

Sec. 2.25. **324TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 324th Judicial District is created. Its boundaries are coextensive with the boundaries of Tarrant County, and its court, which replaces the Court of Domestic Relations No. 3 for Tarrant County, is the 324th District Court. The 324th District Court may be called the Family District Court for the 324th Judicial District.

Sec. 2.26. **325TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 325th Judicial District is created. Its boundaries are coextensive with the boundaries of Tarrant County, and its court, which replaces the Court of Domestic Relations No. 4 for Tarrant County, is the 325th District Court. The 325th District Court may be called the Family District Court for the 325th Judicial District.

Sec. 2.27. **326TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 326th Judicial District is created. Its boundaries are coextensive with the boundaries of Taylor County, and its court, which replaces the court of Domestic Relations for Taylor County, is the 326th District Court. The 326th District Court may be called the Family District Court for the 326th Judicial District.

Sec. 2.28. **327TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 327th Judicial District is created. Its boundaries are coextensive with the boundaries of El Paso County, and its court, which replaces the Court of Domestic Relations for El Paso County, is the 327th District Court. The 327th District Court may be called the Family District Court for the 327th Judicial District.

Sec. 2.29. **328TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 328th Judicial District is created. Its boundaries are coextensive with the boundaries of Fort Bend county, and its court, which replaces the Court of Domestic Relations of Fort Bend County, is the 328th District Court. The 328th District Court may be called the Family District Court for the 328th Judicial District.

Sec. 2.30. **329TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 329th Judicial District is created. Its boundaries are coextensive with the boundaries of Wharton County, and its court, which replaces the Court of Domestic Relations of Wharton County, is the 329th District Court. The 329th District Court may be called the Family District Court for the 329th Judicial District.

Sec. 2.31. **330TH DISTRICT COURT.** On the effective date specified in Section 3.02 of this Act, the 330th Judicial District is created. Its boundaries are coextensive with the boundaries of Dallas County, and its court, which replaces the Court of Domestic Relations No. 4 of Dallas County, is the 330th District Court. The 330th District Court may be called the Family District Court for the 330th Judicial District.

#### SUBCHAPTER C. TEMPORARY PROVISIONS

Sec. 3.01. **APPOINTMENT.** The first judge of a family district court created in this Act is appointed by the Governor.

Sec. 3.02. **EFFECTIVE DATE.** Subchapter B of this Act shall become effective immediately.

Sec. 3.03. **TRANSFER OF PENDING CASES, PROCESS, AND WRITS.** When a family district court is created:

(1) all cases pending in the replaced court are transferred to the family district court which replaces it; and

(2) all process and writs pending in or issued by the replaced court are transferred to the family district court which replaces it and are returnable to that family district court.

Sec. 3.04. REPEALER. (a) Each act creating or providing for a court replaced by a family district court under this Act is repealed on the date the family district court is created.

(b) The following acts are repealed on the dates provided in Subsection (a) of this section:

(1) Chapter 426, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2338-3, Vernon's Texas Civil Statutes);

(2) Chapter 23, Acts of the 55th Legislature, 1st Called Session, 1957, as amended (Article 2338-3a, Vernon's Texas Civil Statutes);

(3) Chapter 325, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 2338-5, Vernon's Texas Civil Statutes);

(4) Chapter 49, Acts of the 54th Legislature, 1955, as amended (Article 2338-7, Vernon's Texas Civil Statutes);

(5) Chapter 157, Acts of the 55th Legislature, Regular Session, 1957 (Article 2338-7a, Vernon's Texas Civil Statutes);

(6) Chapter 16, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2338-8, Vernon's Texas Civil Statutes);

(7) Chapter 511, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2338-9, Vernon's Texas Civil Statutes);

(8) Chapter 13, Acts of the 56th Legislature, 3rd Called Session, 1959, as amended (Article 2338-9a, Vernon's Texas Civil Statutes);

(9) Chapter 31, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 2338-10, Vernon's Texas Civil Statutes);

(10) Chapter 243, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 2338-11, Vernon's Texas Civil Statutes);

(11) Chapter 299, Acts of the 58th Legislature, 1963, as amended (Article 2338-11a, Vernon's Texas Civil Statutes);

(12) Chapter 443, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 2338-13, Vernon's Texas Civil Statutes);

(13) Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 2338-14, Vernon's Texas Civil Statutes);

(14) Section 2, Chapter 212, Acts of the 59th Legislature, Regular Session, 1965 (Section 2, Article 6819a-39, Vernon's Texas Civil Statutes);

(15) Chapter 6, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 2338-15, Vernon's Texas Civil Statutes);

(16) Chapter 278, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-15a, Vernon's Texas Civil Statutes);

(17) Chapter 64, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 2338-16, Vernon's Texas Civil Statutes);

(18) Chapter 44, Acts of the 58th Legislature, 1963, as amended (Article 2338-17, Vernon's Texas Civil Statutes);

(19) Chapter 289, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-18, Vernon's Texas Civil Statutes);

(20) Chapter 307, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-19, Vernon's Texas Civil Statutes);

(21) Chapter 537, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-20, Vernon's Texas Civil Statutes);

(22) Chapter 780, Acts of the 60th Legislature, Regular Session, 1967 (Article 2338-9b, Vernon's Texas Civil Statutes);

(23) Chapter 781, Acts of the 60th Legislature, Regular Session, 1967 (Article 2338-15b, Vernon's Texas Civil Statutes);

(24) Chapter 465, Acts of the 61st Legislature, Regular Session, 1969 (Article 2338-11b, Vernon's Texas Civil Statutes);

(25) Chapter 761, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2338-15c, Vernon's Texas Civil Statutes);

(26) Chapter 786, Acts of the 61st Legislature, Regular Session, 1969 (Article 2338-9c, Vernon's Texas Civil Statutes);

(27) Chapter 673, Acts of the 61st Legislature, Regular Session, 1969 (Article 2338-18a, Vernon's Texas Civil Statutes);

(28) Chapter 844, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2338-21, Vernon's Texas Civil Statutes);

(29) Chapter 100, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2338-22, Vernon's Texas Civil Statutes);

(30) Chapter 201, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2338-23, Vernon's Texas Civil Statutes); and

(31) Chapter 207, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2338-9b.1, Vernon's Texas Civil Statutes).

(c) Chapter 393, Acts of the 52nd Legislature, 1951 (Article 2338-4, Vernon's Texas Civil Statutes), and Chapter 434, Acts of the 53rd Legislature, Regular Session, 1953 (Article 2338-6, Vernon's Texas Civil Statutes), are repealed.

(d) All other laws or parts of laws in conflict with this Act are repealed to the extent of the conflict.

#### **SUBCHAPTER D. MISCELLANEOUS PROVISIONS**

Section 4.00. **EFFECTIVE DATE.** This Act takes effect on September 1, 1977.

Section 4.01. **EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **CONFERENCE COMMITTEE REPORT HOUSE BILL 2141**

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas  
May 26, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representative on **H.B. 2141** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY  
CLOWER  
BRAECKLEIN  
HARRIS  
TRUAN  
On the part of the Senate

SEMOS  
CAIN  
VAUGHAN  
MALONEY  
BLANTON  
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### SENATE BILL 912 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 912** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 912**:

#### A BILL TO BE ENTITLED

#### AN ACT

relating to certain sections of the Administrative Procedure and Texas Register Act; amending Sections 17 and 21, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 17, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 17. Ex parte consultations. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact or law, with any agency, person, party, or their representatives, ~~his representative~~ except on notice and opportunity for all parties to participate. An agency member may communicate ex parte with other members of the agency, and pursuant to the authority provided in Subsection (q) of Section 14, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case may communicate ex parte with employees of the agency who have not participated in any hearing in the case for the purpose of utilizing the special skills or knowledge of the agency and its staff in evaluating the evidence."

Section 2. Section 21, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), is amended by adding Subsections (d) and (e) to read as follows:

“(d) This Act does not apply to matters related solely to the internal personnel rules and practices of an agency.

“(e) Sections 12 through 20 of this Act do not apply to the Texas Board of Pardons and Paroles in the conducting of hearings or interviews relating to the grant, rescission, or revocation of parole or other form of administrative release.”

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

#### SENATE BILL 39 WITH HOUSE AMENDMENT

Senator Schwartz called **S.B. 39** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 39** by adding a new section 3 to read as follows and renumbering the remaining section accordingly:

Sec. 3. Effective date. Section 4.05 of Article 42.121, Code of Criminal Procedure, 1965, as amended and Section 2 of this Act take effect on September 1, 1978.

The amendment was read.

Senator Schwartz moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Hance, Harris, McKnight.

#### SENATE BILL 576 WITH HOUSE AMENDMENTS

Senator Schwartz called **S.B. 576** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.



## Committee Amendment No. 1

Amend Section 3 of S.B. 576 to read as follows:

"Section 3. NATURAL RESOURCES COUNCIL.

(a) The Natural Resources Council shall be composed of 16 voting members. If, and at such time as, the University of Houston System shall be created by the legislature, the membership of the NRC shall be increased to 17 voting members. Each of the following shall be represented on the NRC by one voting member:

- (1) Commissioner of Agriculture;
- (2) General Land Office;
- (3) Governor;
- (4) Parks and Wildlife Department;
- (5) Railroad Commission of Texas;
- (6) Texas Department of Health Resources;
- (7) State Department of Highways and Public Transportation;
- (8) State Soil and Water Conservation Board;
- (9) Texas A&M University System;
- (10) Texas Air Control Board;
- (11) Texas Historical Commission;
- (12) Texas Industrial Commission;
- (13) Texas Water Development Board;
- (14) Texas Water Quality Board;
- (15) Texas Water Rights Commission; ~~and~~
- (16) The University of Texas System~~[-]~~; and
- (17) The University of Houston System if, and at such time as, such university system shall be created by the legislature.

(b) In addition, there shall be nine nonmember delegates to the NRC who shall participate in the discussions and deliberations of the NRC but who shall not vote on any questions before the NRC. Each of the following shall be represented to the NRC by one delegate:

- (1) the advisory committee created by this Act;
- (2) Attorney General;
- (3) Bureau of Economic Geology;
- (4) Governor's Budget and Planning Office;
- (5) Governor's Energy Advisory Council;
- (6) Legislative Budget Board;
- (7) Office of State-Federal Relations;
- (8) Texas Coastal and Marine Council; and
- (9) Texas Forest Service.

(c) The Governor shall chair the NRC. The Governor may designate a full-time alternate to chair the NRC in his stead. Such alternate shall hold no state office or state employment other than as a member of the Governor's staff. Such designee shall have the same voting power as the Governor when chairing the NRC as the Governor's alternate.

(d) In addition to the Governor, the voting members of the NRC and the nonvoting delegates to it shall be as follows:

(1) Each agency or university system which is both listed in Section 3(a) of this Act and governed by an appointive board or commission shall be represented on the NRC by an eligible member of such board or commission who shall be designated by the Governor and who shall serve at the Governor's pleasure. Only those board or commission members who do not serve as ex-officio members of their respective boards or commissions shall be eligible to be designated by the Governor for service on the NRC. Each such designated representative on the NRC

may name an alternate representative from among the eligible members of the board or commission he represents to serve in his stead on the NRC.

(2) The Commissioner of Agriculture and the Attorney General shall represent themselves, or be represented by their respective designees.

(3) The General Land Office shall be represented by the Commissioner of the General Land Office or his designee.

(4) The Railroad Commission of Texas shall be represented by its chairman or his designee.

(5) The Texas Forest Service shall be represented by the State Forester or his designee.

(6) The advisory committee created by this Act shall be represented by its chairman or his designee. Such designee shall be a member of the advisory committee.

(7) The Bureau of Economic Geology, the Governor's Energy Advisory Council, the Legislative Budget Board, the Office of State-Federal Relations, the Texas Coastal and Marine Council, and the Governor's Budget and Planning Office shall each be represented by their respective administrative heads or the respective designees of such administrative heads.

(8) Only a representative given voting power by this Section, or that person's designee chosen in accordance with this Section, shall have voting power on the NRC.

(e) A member of the NRC or delegate to the NRC who is unwilling or unable to continue in such capacity shall be replaced respectively by a member or delegate selected in the same manner as the member or delegate replaced.

(f) While on the business of the NRC, both the voting members of and the nonvoting delegates to the NRC shall be considered as on the business of the respective agencies, university systems, elected officials, or other bodies they represent.

(g) The Governor is empowered to employ for the NRC a staff director and such other staff as he may deem necessary, to serve at the pleasure of the Governor. In order to minimize additional expense to the taxpayers of the state, NRC staff requirements shall be minimized insofar as practicable by making maximum use of existing state agency personnel.

(h) Meetings of the NRC shall be held quarterly. In addition, a meeting of the NRC shall be held at the call of the Governor, or upon written request of a majority of the members of the NRC. Notice of the date, hour, place, and subject of each meeting of the NRC, or of any committee of the NRC, shall be published in the Texas Register by the NRC not less than 3 days nor more than 14 days prior to such meeting. This requirement shall not be construed to alter, amend, or repeal any notice requirement pursuant to any other law of this state.

(i) The NRC may hold such hearings and conduct such studies as it deems proper.

(j) The NRC may make contracts and execute instruments that are necessary or convenient to the exercise of its powers or the performance of its duties.

(k) The NRC, acting through its chairman, is expressly authorized to receive and expend gifts, grants, and public funds in the performance of its duties."

#### Committee Amendment No. 2

Amend Section 4 of **S.B. 576** to read as follows:

"Section 4. DUTIES OF THE NATURAL RESOURCES COUNCIL. The NRC shall:

- (a) assume all duties and responsibilities, statutory and otherwise, heretofore assigned to the Interagency Council on Natural Resources and the Environment;
- (b) provide a forum for interagency communication and cooperation;
- (c) provide information and assistance to member agencies of the NRC and to other agencies and the public;
- (d) recommend to the state agencies and elected officials represented on the NRC improved methods of design, operation, administration, and maintenance of projects and programs to ensure proper protection and development of the state's natural resources;
- (e) study problems and issues connected with natural resources and the use of natural resources and counsel with the Governor and Legislature on such problems and issues and any legislation needed to deal with them;
- (f) develop and recommend to the Governor standards for data collection, reporting, and storage; and
- (g) study problems and issues connected with state agency permitting processes and recommend to the Governor and Legislature policies and procedures to deal with such problems and issues and to simplify and expedite the permitting processes of state agencies."

Committee Amendment No. 3

Amend Senate Bill 576 by deleting the period following the word "Governor" in the first sentence of Sec. 7(b) and adding the following:

"and who shall be chosen to represent a balance of economic, social, and environmental interests."

Committee Amendment No. 4

Amend **S.B. No. 576** by deleting all of the sentence beginning with the word "The" on page 6, line 19 and substitute therefore the following:

"The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) shall apply to the proceedings and actions of the NRC."

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed.

**SENATE BILL 577 WITH HOUSE AMENDMENTS**

Senator Schwartz called **S.B. 577** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Section 5 of **S.B. 577** to read as follows:

"Section 5. GOVERNOR TO REPORT. The Governor shall report to the 66th Legislature on the full effect of this state's seeking the Secretary of Commerce's final certification of the Texas Coastal Management Program pursuant to Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456)."

Committee Amendment No. 2

Amend Section 2 of S.B. 577 to read as follows:

"Section 2. POLICY.

(a) It is hereby declared to be the policy of this state to make more effective and efficient use of public funds and public facilities in coastal natural resource areas, and to better serve the people of Texas by:

(1) continually reviewing the principal coastal problems of state concern, the performance of state coastal programs, and the measures required to resolve identified coastal problems; and

(2) making the state's many existing coastal management processes more visible, accessible, and accountable to the people of Texas.

(b) It is hereby declared to be the policy of this state that the chief executive officer of the state should represent the State of Texas in discussions and negotiations with the federal government with regard to the effect of federal actions on the coastal programs and policies of the State of Texas."

Committee Amendment No. 3

Amend Section 3 of S.B. 577 to read as follows:

"Section 3. DEFINITIONS. For the purposes of this Act, unless the context clearly requires otherwise:

(a) "Coastal natural resource areas" means all of the following areas: areas in the Gulf of Mexico within the boundaries of this state; tidal inlets and tidal deltas; bays; lagoons which contain seawater and which have unimpaired connection with the Gulf of Mexico; oyster reefs, grass flats; channels which contain seawater; coastal lakes containing seawater; beaches adjacent to seawater; barrier islands; wind tidal flats; marsh which contains seawater; washover areas; sand dune complexes on the Gulf shoreline; river mouths and tidal streams up to the farthest point of intrusion by seawater; and spoil deposits in direct contact with seawater or located within, upon, or in direct contact with any of the coastal natural resource areas listed above. The term "coastal natural resource areas" shall not include any mainland area where seawater is present only during storms or hurricanes as defined by the Beaufort Wind Scale.

(b) "Natural Resources Council," hereinafter referred to as the NRC, means the Natural Resources Council created by separate enactment of the 65th Legislature, and the successors of such council, if any. In the event that the Legislature fails to create the Natural Resources Council, then "Natural Resources Council" means the Interagency Council on Natural Resources and the Environment, and the successors of such council, if any.

(c) "Seawater" means any water containing a concentration of one-twentieth of one percent or more by weight of total dissolved inorganic salts derived from the marine waters of the Gulf of Mexico."

(d) The definition presented in subsection (a) of this section shall not be admissible in evidence in any court of law for any purpose other than the implementation and construction of this Act unless otherwise agreed by all parties to the case of controversy before the court.

## Committee Amendment No. 4

Amend Section 4 of S.B. 577 to read as follows:

**"Section 4. NRC TO STUDY COASTAL PROBLEMS AND ISSUES.**

(a) The NRC is hereby authorized and directed to perform such studies of problems and issues affecting the coastal natural resource areas of the state as are in the public interest.

(b) The NRC is directed to prepare and submit to the Governor and Legislature before March 1st of each even-numbered year a comprehensive report with recommendations for action on problems and issues affecting the coastal natural resource areas of the state. The comprehensive report may include a minority report and recommendations.

(1) Such report shall include:

(i) a short description of the environmental, social and economic changes in or affecting the coastal natural resource areas of the state during the preceding two years; this description should include changes in boundaries and state or federal coastal policies;

(ii) a statement of the principal problems of state concern in or affecting coastal natural resource areas;

(iii) a statement of the steps recommended by the NRC to resolve identified problems, including additions to or changes in state policies, programs or statutes affecting coastal natural resource areas, transfers of programs among agencies, and the creation of new programs or elimination of old ones;

(iv) a review of the effectiveness of current programs for implementing state policy affecting coastal natural resource areas;

(v) a report on the success of actions taken by the NRC during the preceding two years, including public hearings, administration of federal grant funds, and specific studies;

(vi) recommended state coastal natural resource research and data acquisition priorities.

(2) The state agencies, university systems, other bodies, or elected officials represented on the NRC shall perform or cause to be performed all research and analyses requested by the NRC for the preparation of such report and transmit such research and analyses to the NRC by such time as is necessary to ensure the timely submission of the NRC's finished report to the Governor and Legislature.

(3) In the course of preparing such report, the NRC shall receive and consider the oral or written testimony of any person regarding the coastal policies, programs, and procedures of the state. The NRC may reasonably limit the length and format of such testimony and the time at which it will be received. Notice of the period during which such testimony will be received shall be published in the Texas Register not less than 30 days before the commencement of such period."

## Committee Amendment No. 5

Amend the Caption of S.B. 577 to read as follows:

**A BILL TO BE ENTITLED**

**AN ACT**

directing the Natural Resources Council to report to the Governor on coastal problems; designating the Governor to report to the 66th Legislature on the effect of this state's seeking federal certification of the Texas Coastal Management Program

pursuant to Section 306 of the Coastal Zone Management Act of 1972; repealing all expressly conflicting laws; and declaring an emergency.

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed.

### **SENATE BILL 578 WITH HOUSE AMENDMENTS**

Senator Schwartz called **S.B. 578** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Committee Amendment No. 1**

Amend Section 2 of **S.B. 578** to read as follows:

"Section 2. **POLICY.** It is the declared policy of the state:

(a) to protect the property rights of those who sell interests in land to the state by fairly compensating such sellers therefor;

(b) to protect those coastal wetlands which are most essential to the public interest by acquiring fee and lesser interests in such coastal wetlands and managing them in a manner that will preserve and protect the productivity and integrity of such lands as coastal wetlands; and,

(c) to assure that the state does not expend funds to acquire any coastal wetlands to which it already holds a valid title at the time of the expenditure."

#### **Committee Amendment No. 2**

"Section 3. **DEFINITIONS.** For the purpose of this Act, unless the context clearly requires otherwise:

Amend Section 3 of **S.B. 578** to read as follows:

(a) "Acquiring Agency" means the Texas Parks and Wildlife Department.

(b) "Certifying Agency" means the General Land Office.

(c) "Coastal Wetlands" means marshes and other areas of high biologic productivity where seawater is present during times other than and in addition to storms or hurricanes as defined by the Beaufort Wind Scale. "Coastal wetlands" shall not, however, include any areas seaward of the line of mean annual low spring tide, nor shall it include any mainland area where seawater is present only during storms or hurricanes as defined by the Beaufort Wind Scale. The presence at a given point of vegetation characteristic of marshes containing seawater shall be prima facie evidence that seawater is present at such point during times other than and in addition to storms or hurricanes as defined by the Beaufort Wind Scale.

(d) "Seaward" means the direction away from the shore and toward the body of water bounded by such shore.

(e) "Seawater" means any water containing a concentration of one-twentieth of one percent or more by weight of total dissolved inorganic salts derived from the marine waters of the Gulf of Mexico."

## Committee Amendment No. 3

Amend Section 4 of **S.B. 578** to read as follows:

**"Section 4. DUTIES AND AUTHORITY OF ACQUIRING AGENCY.**

(a) The Acquiring Agency has the following duties and authorities:

(1) to accept gifts, grants, or devises of interests in land;

(2) to acquire, by purchase or condemnation, fee and lesser interests in the surface estate in coastal wetlands certified by the Certifying Agency as most essential to protection of the public interest, provided that in each instance in which an interest in land is acquired by the Acquiring Agency pursuant to this Section, a sufficient interest shall be acquired to preserve and protect the productivity and integrity of such lands as coastal wetlands; and

(3) to manage interests in lands acquired pursuant to this Section in a manner that will preserve and protect the productivity and integrity of such lands as coastal wetlands.

(b) This Act shall not be construed to authorize the condemnation of any interest in the mineral estate in any coastal wetland.

(c) The Acquiring Agency shall promulgate such reasonable rules and regulations as may be necessary to preserve and protect the productivity and integrity of such lands as coastal wetlands pursuant to this Act. Such rules and regulations shall include regulations governing activities conducted on such lands in conjunction with mineral exploration, development, and production.

(d) If the Acquiring Agency seeks to condemn an interest less than the fee interest in the surface estate in any coastal wetland pursuant to this Act, the owner of such coastal wetland may demand that the Acquiring Agency instead seek condemnation of the fee interest in the surface estate in such coastal wetland. Upon such demand, the Acquiring Agency shall either:

(1) seek to condemn the fee interest in the surface estate in such coastal wetland; or

(2) cease all condemnation proceedings pursuant to this Act against such coastal wetland."

## Committee Amendment No. 4

Amend Committee Amendment No. 3 to S.B. No. 575, p. 8, lines 11, 12 by adding the word "acquired" between the words "wetlands" and "pursuant".

## Committee Amendment No. 5

Amend Section 6 of **S.B. 578** to read as follows:

**"Section 6. MOST ESSENTIAL COASTAL WETLANDS  
CERTIFICATION.**

(a) In selecting and certifying those coastal wetlands most essential to the public interest, and in assigning priorities of acquisition to such coastal wetlands, the Certifying Agency shall consider the following criteria:

(1) whether such lands are coastal wetlands within the definition, intent, and purpose of this act;

(2) whether the state owns such coastal wetlands or claims title to them, which title can be validated by bringing an appropriate action therefor in a court of law;

(3) whether the biological, geological, or physical characteristics of such coastal wetlands, including the interrelationship of such coastal wetlands with other coastal wetlands, are essential to the public interest;

(4) the degree to which such coastal wetlands are in danger of being altered, damaged, or destroyed, and the imminence of such danger; and

(5) the cost of acquiring such coastal wetlands.

(b) The legislature hereby declares that certifications, assignments of priority for acquisition, and revocations of certifications made pursuant to Section 5 of this Act are made only for the purpose of administering the provisions of this Act. No such certifications, assignments of priority for acquisition, or revocations of certification shall be ground for an inference, or admissible in a court of law to prove, that any coastal wetland is of greater or lesser value than any other coastal wetland for any purpose other than administering the provisions of this Act.

(c) A certification made pursuant to this Act shall expire one year from the date of certification.

(1) If on or before the expiration date of such certification the Acquiring Agency files suit in a court of law to condemn the certified coastal wetland, such certification shall extend until such suit is settled, dismissed, or otherwise terminated.

(2) If a contract of sale between the state and the owner of the certified coastal wetland is entered into on or before the expiration date of such certification, then such certification shall extend until title to such coastal wetland is conveyed to the state or such contract is rescinded, invalidated, or otherwise terminated."

#### Committee Amendment No. 6

Amend **S.B. 578** by adding a new Section 5 to read as follows:

"Section 5. **AGRICULTURAL EXEMPTION.** Coastal wetlands used only for farming or ranching activities, including maintenance and repair of buildings, earthworks, and other structures, shall not be subject to any power of condemnation exercised pursuant to this Act. However, such exemption from condemnation shall terminate upon the receipt by any state or federal agency of an application for a permit, license, or other authorization to conduct upon such wetlands activities other than (1) farming and ranching activities, including irrigation and water well drilling, and (2) activities necessary to exploration, development or production of the underlying mineral estate."

Renumber the present Section 5 as Section 6, the present Section 6 as Section 7, the present Section 7 as Section 8, and the present Section 8 as Section 9.

#### Floor Amendment No. 1

Amend **S.B. 578** by adding a Subsection (c)(1) to Section 6, to read as follows:

##### Most Essential Coastal Wetlands Certification.

(c)(1) The Commissioner of the General Land Office shall forward a copy of any such certification to the County Judge of every county in which any part of the wetlands so certified may be located, and shall request the recommendation of the Commissioners of said county thereon.

(2) Within forty-five days of receipt of a certification from the Commissioner of the General Land Office, the Commissioners Court shall send to the Commissioner of the General Land Office their written recommendations concerning such certification.

(3) If the Commissioners Court of a county described in subsection (c)(1) of this section agrees that the portion of the certified wetland within such county should be certified, or if the Commissioners Court does not submit recommendations to the



Commissioner of the General Land Office within the time specified in subsection (c)(2) of this section, then as to such portion of such wetlands, the certification shall continue in full force and effect.

(4) If the Commissioners Court of any county described in subsection (c)(1) of this section recommends that the certified wetlands or any part of them within such county should not be certified, then such certification shall be revoked as to that part of the wetlands.

(5) If the Commissioner of the General Land Office wishes to contest a revocation of certification pursuant to subsection (c)(4) of this section, he shall forward the certification to the Governor, together with the recommendations of the Commissioners Courts thereon and such further information as the Commissioner of the General Land Office shall deem advisable.

(6) If the Governor determines that any certification revoked pursuant to subsection (c)(4) of this section should be reinstated in whole or in part, he shall so notify the Commissioner of the General Land Office within 60 days of receipt of the certification pursuant to subsection (c)(5) of this section. Upon receipt of such notice from the Governor, the Commissioner of the General Land Office may recertify such part of the wetlands to the Acquiring Agency, and such certification shall be in full force and effect.

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed.

#### **SENATE BILL 67 WITH HOUSE AMENDMENTS**

Senator Schwartz called **S.B. 67** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 67:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the registration and certification of persons engaged in the assessment of property for ad valorem taxation; creating the State Board of Registration and Professional Certification for Assessors in Texas; providing for membership, terms, organization, functions, and duties of the board; providing procedures for carrying out the terms of this Act; providing for fees, the establishment of the Assessors Registration Fund, and the payment of compensation and expenses; providing enforcement procedures; providing qualifications, duties, and standards of conduct for persons engaged in assessing property; defining certain offenses and providing penalties; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. The Constitution of Texas requires that taxation be equal and uniform. It provides for taxation in proportion to value. The responsibility for

assessing property in compliance with constitutional requirements is that of the tax assessor-collector. The purpose of the legislature by this Act is to assure the people of Texas that the responsibility of assessing property for taxation is entrusted only to those persons duly registered and competent according to the regulations provided by this Act. The legislature further intends that the assessing of property for taxation be practiced and regulated as a learned profession, and that the practitioners in this state be accountable to the public.

Sec. 2. In this Act:

(a) "Assessor" means a person duly appointed, elected, or assigned the responsibility of assessing property for ad valorem taxation.

(b) "Assessors code of ethics" means an ethical standard of conduct for assessors established by the State Board of Registration and Professional Certification for Assessors according to Section 8 of this Act.

(c) "Board" means the State Board of Registration and Professional Certification for Assessors in Texas.

(d) "Candidate" means a person who is qualified and duly authorized by the board to seek certification as a registered professional assessor.

(e) "Certified Texas assessor" means a person who has successfully met all of the requirements set forth by the Institute of Certified Texas Assessors and is in compliance with the terms and regulations of this Act.

(f) "CTA" means a person who is a member of the Institute of Certified Texas Assessors and has received the CTA designation awarded by the institute.

(g) "Governing body" means a county commissioners court, city council, board of trustees, or governmental board of a political subdivision of this state.

(h) "Practicing assessor" means a person who is engaged in the practice of assessing property for a county, school district, city, or other political subdivision of the state.

(i) "Registered Texas assessor" means a person who is duly registered and qualified to act as an assessor or to engage in the duties of assessing property for taxation according to the terms of this Act.

(j) "Registered professional assessor" means a person who is registered and holds a certificate for professional assessors issued by the State Board of Registration and Professional Certification for Assessors in Texas according to Section 18 of this Act.

Sec. 3. This Act shall be known as "The Texas Assessors Registration and Professional Certification Act."

Sec. 4. (a) The State Board of Registration and Professional Certification for Assessors in Texas is created. The board consists of nine members, each of whom shall be a citizen of the United States and a resident of this state. Members of the board are appointed by the governor with the advice and consent of the senate, and shall be practicing tax assessors with five or more years assessing experience in Texas and said board shall include at least one (1) member on the board who holds professional appraisal designations from generally recognized national real estate appraisal organizations. Except as provided by Subsection (b) of this section, at least five of the members shall be registered professional assessors, and the other members shall be assessors duly registered under the provisions of this Act to assess property in Texas, or be certified Texas assessors. Except for those first appointed, members are appointed for a term of six years expiring on January 31 of an odd-numbered year. Within 90 days after the effective date of this Act, the governor shall appoint three members for terms that expire January 31, 1983, three members for terms that expire January 31, 1981, and three members for terms that expire January 31, 1979. Before entering on the duties of his or her office each member of the board shall take the constitutional oath of office which shall be filed with the secretary of state.

(b) A person is qualified to be among the initial appointees to the board if he is a certified Texas assessor.

Sec. 5. Board members receive no compensation for their services, but each is entitled to be reimbursed for the necessary expenses incurred in the discharge of his duties. All travel and per diem expenses incurred by board members shall be paid from the "Assessors Registration Fund."

Sec. 6. If a vacancy occurs on the board, the governor shall appoint a person to complete the unexpired portion of the term. The governor may remove a member of the board for misconduct, incompetency, or neglect of duty.

Sec. 7. (a) The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as are required, according to the bylaws and rules of procedure enacted by the board.

(b) Members of the board shall receive notice of special meetings at least 15 days in advance of the meeting date.

(c) The board shall elect annually from its own membership a chairman, vice-chairman, and a secretary-treasurer. The election of officers shall be held at the first regular meeting of each calendar year. Five members constitute a quorum.

Sec. 8. The board may make and enforce all rules and regulations necessary for the performance of its duties, establish standards of professional practice, conduct, education and ethics for assessors in keeping with the purposes and intent of the Act, and insure strict compliance with and enforce all provisions of this Act. The board may promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity in the practice of assessing and collecting ad valorem taxes, after all persons registered under Section 12 of this Act are notified. The notice shall set forth the proposed rules of professional conduct, or amendments to the rules. No rule or amendment shall become operative until it is approved by a majority of the registered professional assessors practicing in this state. The board shall adopt reasonable means for voting on such measures, and shall declare the results of elections and proclaim the effective date of the rules or amendments and notify all persons registered by this Act. Members of the board who are registered professional assessors have the sole authority, responsibility, and duty of performing all acts relating to the examination of applicants for candidacy, and the issuance of certificates for professional assessors, registered according to Sections 17 and 18 of this Act.

Sec. 9. The secretary-treasurer of the board shall receive and account for all money derived under the provisions of this Act, and shall pay it to the State Treasurer. The State Treasurer shall designate a separate fund to be known as the "Assessors Registration Fund," which may be used only by the board for the purpose of administering this Act. The fund shall be paid out only by warrant of the state comptroller on the State Treasurer. Warrants will be requested by itemized vouchers, approved by the chairman and attested by the secretary of the board. The secretary shall furnish a surety bond to the governor in the sum of \$3,000. The premium for the bond shall be paid out of the "Assessors Registration Fund." The secretary-treasurer of the board shall receive a salary to be determined by the board, in addition to the compensation and expenses provided by this Act. The board may employ clerical or other assistants needed to administer the duties of the board. Under no circumstances may the total amount of warrants issued by the state comptroller in payment of the expenses and compensation provided for in this Act exceed the amount of the "Assessors Registration Fund." The secretary-treasurer shall keep an accurate record of all proceedings, which shall be available to the public at all times. The secretary-treasurer shall also maintain a roster of all assessors registered with the board, showing their names and places of employment as well as the type of registration. Copies of the roster shall be mailed to all persons registered with the board, and the roster shall be placed on file with the secretary of state. Copies of the roster shall be made available to the public on request.

Sec. 10. The board may initiate proceedings under this Act, either on its own motion or on the complaint of any person, to insure strict compliance with the Act and the enforcement of all sections, rules, and regulations of the Act. The violation of a provision of this Act, or a rule or regulation of the board, by a person practicing assessing in Texas is sufficient reason or ground to refuse, suspend, or revoke his registration granted under the terms of this Act. The board may institute action in its own name against an individual person to enjoin a violation of a provision of this Act or a rule or regulation of the board. The board is not required to give an appeal bond in a cause arising under this Act. Prior to the initiation of proceedings for a violation of this Act, a written notice shall be sent by registered mail to the prospective defendant stating the nature of the charge and the time and place of the hearing before the board. The notice shall be mailed at least 20 days before the hearing.

Sec. 11. The following persons shall register with the board:

(1) all persons elected or appointed to act as assessors for a county, independent school district, city, municipal water district, navigation district, or other political subdivision requiring the services of a tax assessor;

(2) all supervisors of assessing, including chief deputy assessor-collectors, assistant assessor-collectors, assessing supervisors, or any person with authority to render judgment, recommend, or certify assessed values to a board of equalization; and

(3) all persons engaged in appraisals of real or personal property for a taxing authority.

Sec. 12. While on official duty, persons duly registered and authorized to engage in the practice of assessing shall carry a serially numbered card of identification issued by the board, stating the expiration date, if any, of the registration, and describing the classification into which the holder is placed for purposes of registration. The classifications are:

(1) registration permit holder, which includes newly elected or newly appointed assessors without previous experience as assessors or employees of a tax department, evidenced by an identification card that bears the title "Registration Permit to Practice Assessing in Texas";

(2) registered Texas assessor, which class includes persons who have sufficient experience and training to engage in the practice of assessing, and which is evidenced by an identification card describing the holder as a "Registered Texas Assessor" and, for persons initially registered, a letter of confirmation;

(3) registered Texas assessor and candidate for certification, which class includes persons engaged in the practice of assessing who are eligible to meet the provisions required for registered Texas assessors and the prerequisites required for candidates described under Section 17 of this Act, in which case the board shall issue a letter listing the achievements of each candidate and a card of identification showing the holder to be a "Registered Texas Assessor and Candidate for Professional Certification"; and

(4) registered professional assessor, which class includes persons engaged in assessing who hold a certificate awarded by the Institute of Certified Texas Assessors issued prior to January 1, 1978, and candidates registered after January 1, 1978, under the provisions of this Act, who shall be awarded the title of professional assessor following the completion of all requirements described under Section 18 of this Act to the satisfaction of the board, and to each of these persons, the board shall issue a Certificate for Professional Achievement, a letter testifying to the qualifications required for professional status, and an identification card identifying the person as a "Registered Professional Assessor of Texas."

Sec. 13. Registrants shall pay to the secretary-treasurer of the board an annual fee not to exceed \$25. The annual registration period expires on December

31 of each year, but may be renewed annually for a period of one year. The board shall determine the amount of the renewal fee for each coming year on or before December 1 of each year, and mail notices to all persons registered under the terms of this Act on or before that date. A person registered under this Act who fails to pay the annual renewal fee on or before January 31 of each year shall be deleted from the list of persons duly registered to practice assessing in Texas according to the provisions of this Act. Persons applying for reinstatement within 30 days shall pay a penalty, not to exceed \$25, set by the board. Reinstatement thereafter shall be denied except on regular application and examination satisfactory to the board. The board may not waive the collection of a fee or penalty described under this Act.

Sec. 14. All original applications for registration shall be made on printed forms provided by the board, and no applications made otherwise will be accepted. Information required on the form shall include the applicant's name, resident address, educational background, work experience, character and employment references, a recent photograph of the applicant, and other information as the board deems necessary. The form shall be accompanied by the code of ethics and the other limiting conditions required by the rules and regulations prescribed by the board. All applications, including the code of ethics, shall be subscribed and sworn to before a notary public or other person qualified to administer oaths. Initial application for registration shall be accompanied by a processing fee of \$30 which will be retained by the board without regard to the disposition of the application. The board shall act on all applications within 60 days after they are received by the secretary-treasurer. Applicants approved by the board shall be notified of the time and place where examination for all classes of registration will be conducted. Applicants shall be allowed a maximum of one year to pass the required examinations for classifications described under Subdivisions 1 and 2, Section 12 of this Act. The maximum time for complying with classifications described under Subdivisions 3 and 4, Section 12 of this Act shall be in accord with the rules and regulations for professional certification prescribed by the board. After notification that all requirements for registration are in compliance with the provisions of this Act, the applicant shall remit the annual registration fee to the secretary-treasurer before he is duly registered to practice assessing.

Sec. 15. An applicant qualifying for a registration permit shall be a resident of the State of Texas and a person of good moral character. A registrant in this class shall have favorable recommendations from at least three persons, one of whom is a practicing assessor duly registered under the provisions of this Act. Each shall subscribe to the assessors code of ethics and pass an examination for minimum qualifications in accordance with the rules and regulations of the board.

Sec. 16. A registered Texas assessor shall be at least 21 years of age and a resident of the State of Texas. He shall be a person of good moral character confirmed by at least five persons who have known the applicant for at least three years. In addition, the application for registered Texas assessor shall list at least three persons who can vouch for the applicant's qualifications, one of whom shall be a registered professional assessor. The minimum educational requirement is satisfactory completion of the 12th grade of high school or the equivalent. Registered Texas assessors with birthdates prior to January 1, 1950, may substitute special training and experience for the minimum educational requirement at the discretion of the board. All registered Texas assessors shall subscribe to the assessors code of ethics and pass a written examination prepared by the board to confirm the assessor's ability to value and assess property for taxation. Registered Texas assessors shall furnish satisfactory evidence of their work experience and qualification as practicing assessors in compliance with the rules and regulations prescribed by the board. All persons qualifying under this section must within five (5) years from the date of their original registration satisfactorily demonstrate, to

the Board, a level of competence gained through educational achievement and experience to qualify under the requirements of Section 17.

Sec. 17. A candidate for certification shall be an assessor or duly appointed deputy of a taxing jurisdiction, qualified to register under Section 16 of this Act, and shall:

(1) be recommended by at least three registered professional assessors having knowledge of the applicant's qualifications to become registered as a candidate for certification;

(2) have at least two years of education above the high school level, or have equivalent education and training beyond high school deemed satisfactory by the board;

(3) have at least three years of experience in some phase of assessing or work related to ad valorem taxation, one year of which must be in-service training deemed satisfactory to the board;

(4) pass an examination conducted by the board for the purpose of testing the applicant's knowledge of fundamental valuation theory and the assessors code of professional ethics as set forth by the board's rules and regulations.

(5) all persons qualifying under this section must within five (5) years from the date of qualification under Section 17 satisfactorily demonstrate, to the Board, a level of competence gained through educational achievement and experience to qualify under the requirements of Section 18.

Sec. 18. (a) Certificates for registered professional assessors shall be issued by the board to persons:

(1) who meet the requirements for membership in the Institute of Certified Texas Assessors prior to January 1, 1978, by submitting demonstration appraisals and passing the required examinations conducted and approved by the institute's board of directors, and for which the designation CTA has been awarded; or

(2) who are registered candidates authorized by this Act who are at least 25 years of age and have at least five years experience in the practice of assessing, one year of which must be in-service training meeting requirements set forth by the State Board of Registration and have:

(A) completed the educational training courses required by the board's regulations or furnished evidence of passing grades for related examination conducted by professional organizations approved by the board;

(B) submitted demonstration appraisals required by the board's regulations; and

(C) passed a written examination conducted by the board to test the candidate's knowledge of real and personal property valuation theory, the three approaches to value, collection, accounting, and general ad valorem tax administration, and an oral examination if the board deems it necessary.

(b) Examinations conducted by the board shall be prepared to test the candidate's knowledge and ability to estimate value by use of the income, cost, and market approaches to value. The candidate shall be tested for knowledge and ability to apply and calculate all forms of depreciation and obsolescence. A candidate will show by examination the ability to estimate value by use of the mass appraisal concept. The examination shall include general tax administration and test the candidate's knowledge and understanding of the assessors code of ethics described in the board's rules and regulations.

Sec. 19. No person may assume or use the title of registered Texas assessor, candidate for certification, or registered professional assessor, unless he holds a valid registration approved by the State Board of Registration and Professional Certification for Assessors in Texas. No person may indicate or imply that he is a certified Texas assessor or holds the designation of CTA unless he holds a current membership in the Institute of Certified Texas Assessors and is registered under the

terms of this Act. A person who violates this section is subject to board action under Section 10 of this Act.

Sec. 20. This Act does not restrict an official act required by the Texas Constitution and performed according to law.

Sec. 21. No person may be denied the right to register under the terms of this Act because of race, color, creed, sex, or ethnic origin.

Sec. 22. No governing body of a taxing jurisdiction of this state may, as a necessity for employment, require that an assessor act in an unprofessional manner, or commit acts in violation of this Act. A complaint of a violation of this section shall be thoroughly investigated by the board. A proceeding for a violation shall be conducted according to Section 10 of this Act.

Sec. 23. (a) An assessor registered under the terms of this Act shall:

(1) assess all property in his jurisdiction on a fair and equal basis to the best of his ability, using the estimated true market value as the basis for judgment; except when required otherwise by the Texas Constitution or by law; and

(2) hold confidential any information received as an officer of the government which could be used for personal gain, unless the information is public information, or is required by law to be public.

(b) An assessor registered under the terms of this Act may not:

(1) give or use an arbitrary opinion of value for any property in his jurisdiction unless the opinion is based on available and known facts;

(2) accept an assignment for assessing services, if his or her employment is contingent on the reporting of a specific predetermined amount of value, or is contingent on the reporting of specific findings other than those known by the assessor to be facts at the time of the accepting of the assignment;

(3) accept remuneration other than the official salary or fee for assessing services rendered;

(4) act in a manner or engage in a practice that is dishonest or fraudulent, or involves deceit or misrepresentation that will bring discredit on the honor and dignity of the assessing profession; or

(5) violate the board's rules and regulations, the assessors code of ethics, or any part of this Act.

(c) Violations named in this section are sufficient reason for the board to suspend or revoke the registration of such persons.

Sec. 24. A person who violates a provision of this Act commits a Class A misdemeanor.

Sec. 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

#### Floor Amendment No. 1

Amend C.S.S.B. No. 67 by striking all below the enacting clause and substituting the following:

Section 1. The Constitution of Texas requires that taxation be equal and uniform. It provides for taxation in proportion to value. The responsibility for assessing property in compliance with constitutional requirements is that of the tax assessor-collector. The purpose of the legislature by this Act is to assure the people of Texas that the responsibility of assessing property for taxation is entrusted only to those persons duly registered and competent according to the regulations provided by this Act. The legislature further intends that the assessing of property for taxation be practiced and regulated as a learned profession, and that the practitioners in this state be accountable to the public.

Sec. 2. In this Act:

(1) "Assessor" means a person who assesses property or otherwise determines, recommends, or certifies the value of property for ad valorem tax purposes for a political subdivision of this state.

(2) "Assessors code of ethics" means an ethical standard of conduct for assessors established by the Board of Tax Assessor Examiners according to Section 7 of this Act.

(3) "Board" means the Board of Tax Assessor Examiners.

(4) "Candidate" means a person who is qualified and duly authorized by the board to seek certification as a registered professional assessor.

(5) "Governing body" means a county commissioners court, city council, board of trustees, or governmental board of a political subdivision of this state.

(6) "Practicing assessor" means a person who is engaged in the practice of assessing property for a county, school district, city, or other political subdivision of the state.

(7) "Registered Texas assessor" means a person who is duly registered and qualified to act as an assessor or to engage in the duties of assessing property for taxation according to the terms of this Act.

(8) "Registered professional assessor" means a person who is registered and holds a certificate for professional assessors issued by the Board of Tax Assessor Examiners according to Section 18 of this Act.

Sec. 3. This Act shall be known as "The Texas Assessors Registration and Professional Certification Act."

Sec. 4. (a) The Board of Tax Assessor Examiners is established.

(b) The board consists of six members appointed by the governor with the advice and consent of the senate. A vacancy on the board is filled in the same manner for the unexpired portion of the term.

(c) To be eligible to serve on the board an individual must be a resident of this state, be actively engaged in assessing property for property tax purposes, and have at least five years' experience in property appraisals. At least four of the members must hold a certificate issued under this Act. However, for the members first appointed, certification by a recognized professional association of assessors or appraisers satisfies the certification requirement for eligibility.

(d) Members hold office for terms of six years, with the terms of two members expiring on March 1 of each odd-numbered year. In making the initial appointments, the governor shall designate two members for terms expiring on March 1, 1979, two members for terms expiring on March 1, 1981, and two members for terms expiring on March 1, 1983.

Sec. 5. Board members receive no compensation for their services, but each is entitled to be reimbursed for the necessary expenses incurred in the discharge of his duties.

Sec. 6. (a) The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as are required, according to the bylaws and rules of procedure enacted by the board.

(b) Members of the board shall receive notice of special meetings at least 15 days in advance of the meeting date.

(c) The board shall elect annually from its membership a chairman, vice-chairman, and secretary-treasurer. The election of officers shall be held at the first regular meeting of each calendar year. A majority of the members constitutes a quorum.

Sec. 7. (a) The board may make and enforce all rules and regulations necessary for the performance of its duties, establish standards of professional practice, conduct, education and ethics for assessors in keeping with the purposes and intent of the Act, and insure strict compliance with and enforce all provisions of this Act.



(b) The board may promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity in the practice of assessing and collecting ad valorem taxes, after all persons registered under Section 12 of this Act are notified. The notice shall set forth the proposed rules of professional conduct, or amendments to the rules. No rule or amendment shall become operative until it is approved by a majority of the registered professional assessors practicing in this state. The board shall adopt reasonable means for voting on such measures, and shall declare the results of elections and proclaim the effective date of the rules or amendments and notify all persons registered by this Act.

(c) Members of the board who are registered professional assessors have the sole authority, responsibility, and duty of performing all acts relating to the examination of applicants for candidacy, and the issuance of certificates for professional assessors, registered according to Sections 17 and 18 of this Act.

Sec. 8. (a) The board shall receive and account for all money derived under the provisions of this Act, and shall pay it to the state treasurer. The state treasurer shall designate a separate fund to be known as the "Assessors Registration Fund," which may be used only by the board for the purpose of administering this Act.

(b) The board shall keep an accurate record of all proceedings, which shall be available to the public at all times. The board shall also maintain a roster of all assessors registered with the board, showing their names and places of employment as well as the type of registration. Copies of the roster shall be mailed to all persons registered with the board, and the roster shall be placed on file with the secretary of state. Copies of the roster shall be made available to the public on request.

Sec. 9. The board may employ an executive director and clerical and other personnel to assist it in the performance of its duties under this Act. The board may delegate its powers and duties to the executive director.

Sec. 10. The board may initiate proceedings under this Act, either on its own motion or on the complaint of any person, to insure strict compliance with this Act and the enforcement of this Act and of all rules and regulations adopted by the board. The violation of a provision of this Act, or a rule or regulation of the board, by a person practicing assessing in Texas is sufficient reason or ground to refuse, suspend, or revoke his registration granted under the terms of this Act. The board may institute action in its own name against an individual person to enjoin a violation of a provision of this Act or a rule or regulation of the board. The board is not required to give an appeal bond in a cause arising under this Act. Prior to the initiation of proceedings for a violation of this Act, a written notice shall be sent by certified mail to the prospective defendant stating the nature of the charge and the time and place of the hearing before the board. The notice shall be mailed at least 20 days before the hearing.

Sec. 11. The following persons shall register with the board:

(1) all persons elected or appointed to act as assessors for a county, independent school district, city, municipal water district, navigation district, or other political subdivision requiring the services of a tax assessor;

(2) all supervisors of assessing, including chief deputy assessor-collectors, assistant assessor-collectors, assessing supervisors, or any person with authority to render judgment, recommend, or certify assessed values to a board of equalization; and

(3) all persons engaged in appraisals of real or personal property for ad valorem tax purposes for a taxing authority.

Sec. 12. While on official duty, persons duly registered and authorized to engage in the practice of assessing shall carry a serially numbered card of identification issued by the board stating the expiration date, if any, of the registration, and describing the classification into which the holder is placed for purposes of registration. The classifications are:

(1) registration permit holder, which includes newly elected or newly appointed assessors without previous experience as assessors or employees of a tax department, evidenced by an identification card that bears the title "Registration Permit to Practice Assessing in Texas";

(2) registered Texas assessor, which class includes persons who have sufficient experience and training to engage in the practice of assessing, and which is evidenced by an identification card describing the holder as a "Registered Texas Assessor" and, for persons initially registered, a letter of confirmation;

(3) registered Texas assessor and candidate for certification, which class includes persons engaged in the practice of assessing who are eligible to meet the provisions required for registered Texas assessors and the prerequisites required for candidates described under Section 17 of this Act, in which case the board shall issue a letter listing the achievements of each candidate and a card of identification showing the holder to be a "Registered Texas Assessor and Candidate for Professional Certification"; and

(4) registered professional assessor, which class includes persons engaged in assessing who hold a comparable certificate awarded by a recognized professional association of assessors issued prior to January 1, 1978, and candidates registered after January 1, 1978, under the provisions of this Act, who shall be awarded the title of professional assessor following the completion of all requirements described under Section 18 of this Act to the satisfaction of the board, and to each of these persons, the board shall issue a Certificate for Professional Achievement, a letter testifying to the qualifications required for professional status, and an identification card identifying the person as a "Registered Professional Assessor of Texas."

Sec. 13. Registrants shall pay to the board an annual fee not to exceed \$25. The annual registration period expires on December 31 of each year, but may be renewed annually for a period of one year. The board shall determine the amount of the renewal fee for each coming year on or before December 1 of each year, and mail notices to all persons registered under the terms of this Act on or before that date. A person registered under this Act who fails to pay the annual renewal fee on or before January 31 of each year shall be deleted from the list of persons duly registered to practice assessing in Texas according to the provisions of this Act. Persons applying for reinstatement within 30 days shall pay a penalty, not to exceed \$25, set by the board. Reinstatement thereafter shall be denied except on regular application and examination satisfactory to the board. The board may not waive the collection of a fee or penalty described under this Act.

Sec. 14. All original applications for registration shall be made on printed forms provided by the board, and applications made otherwise may not be accepted. Information required on the form shall include the applicant's name, residence address, educational background, work experience, character and employment references, a recent photograph of the applicant, and other information as the board deems necessary. The form shall be accompanied by the code of ethics and the other limiting conditions required by the rules and regulations prescribed by the board. All applications, including the code of ethics, shall be subscribed and sworn to before a notary public or other person qualified to administer oaths. Initial application for registration shall be accompanied by a processing fee of \$30 which shall be retained by the board without regard to the disposition of the application. The board shall act on all applications within 60 days after they are received by the secretary-treasurer. Applicants approved by the board shall be notified of the time and place where examination for all classes of registration will be conducted. Applicants shall be allowed a maximum of one year to pass the required examinations for classifications described under Subdivisions (1) and (2), Section 12, of this Act. The maximum time for complying with classifications described under Subdivisions (3) and (4), Section 12, of this Act, shall be in accord with the rules and

regulations for professional certification prescribed by the board. After notification that all requirements for registration are in compliance with the provisions of this Act, the applicant shall remit the annual registration fee to the secretary-treasurer before he is duly registered to practice assessing.

Sec. 15. An applicant qualifying for a registration permit shall be a resident of the State of Texas and a person of good moral character. A registrant in this class shall have favorable recommendations from at least three persons, one of whom is a practicing assessor duly registered under the provisions of this Act. Each shall subscribe the assessors code of ethics and pass an examination for minimum qualifications in accordance with the rules and regulations of the board.

Sec. 16. A registered Texas assessor shall be at least 21 years of age and a resident of the State of Texas. He shall be a person of good moral character confirmed by at least five persons who have known the applicant for at least three years. In addition, the application for registered Texas assessor shall list at least three persons who can vouch for the applicant's qualifications, one of whom shall be a registered professional assessor. The minimum educational requirement is satisfactory completion of the 12th grade of high school or the equivalent. Registered Texas assessors with birthdates prior to January 1, 1950, may substitute special training and experience for the minimum educational requirement at the discretion of the board. All registered Texas assessors shall subscribe the assessors code of ethics and pass a written examination prepared by the board to confirm the assessor's ability to value and assess property for taxation. Registered Texas assessors shall furnish satisfactory evidence of their work experience and qualification as practicing assessors in compliance with the rules and regulations prescribed by the board. All persons qualifying under this section must within five years from the date of their original registration satisfactorily demonstrate, to the board, a level of competence gained through educational achievement and experience to qualify under the requirements of Section 17 of this Act.

Sec. 17. (a) A candidate for certification shall be an assessor for a taxing jurisdiction, qualified to register under Section 16 of this Act, and shall:

(1) be recommended by at least three registered professional assessors having knowledge of the applicant's qualifications to become registered as a candidate for certification;

(2) have at least two years of education above the high school level, or have equivalent education and training beyond high school deemed satisfactory by the board;

(3) have at least three years of experience in some phase of assessing or work related to ad valorem taxation, one year of which must be in-service training deemed satisfactory to the board; and

(4) pass an examination conducted by the board for the purpose of testing the applicant's knowledge of fundamental valuation theory and the assessors code of professional ethics as set forth by the board's rules and regulations.

(b) All persons qualifying under this section must within five years from the date of qualification under Section 17 of this Act satisfactorily demonstrate, to the Board, a level of competence gained through educational achievement and experience to qualify under the requirements of Section 18 of this Act.

Sec. 18. (a) Certificates for registered professional assessors shall be issued by the board to persons:

(1) who hold a comparable certificate issued by a recognized professional association of assessors prior to January 1, 1978; or

(2) who are registered candidates authorized by this Act who are at least 25 years of age and have at least 5 years' experience in the practice of assessing, 1 year of which must be in-service training meeting requirements set forth by the board and have:

(A) completed the educational training courses required by the board's regulations or furnished evidence of passing grades for related examinations conducted by professional organizations approved by the board;

(B) submitted demonstration appraisals required by the board's regulations; and

(C) passed a written examination conducted by the board to test the candidate's knowledge of real and personal property valuation theory, the three approaches to value, collection, accounting, and general ad valorem tax administration, and an oral examination if the board deems it necessary.

(b) Examinations conducted by the board shall be prepared to test the candidate's knowledge and ability to estimate value by use of the income, cost, and market approaches to value. The candidate shall be tested for knowledge and ability to apply and calculate all forms of depreciation and obsolescence. A candidate must show by examination the ability to estimate value by use of the mass appraisal concept. The examination shall include general tax administration and test the candidate's knowledge and understanding of the assessors code of ethics described in the board's rules and regulations.

Sec. 19. No person may assume or use the title of registered Texas assessor, candidate for certification, or registered professional assessor, unless he holds a valid registration approved by the Board of Tax Assessor Examiners. No person may indicate or imply that he is a registered Texas assessor, candidate for certification, or registered professional assessor unless he is registered under the terms of this Act. A person who violates this section is subject to board action under Section 10 of this Act.

Sec. 20. This Act does not restrict an official act required by the Texas Constitution and performed according to law.

Sec. 21. No person may be denied the right to register under the terms of this Act because of race, color, creed, sex, or ethnic origin.

Sec. 22. No governing body of a taxing jurisdiction of this state may, as a necessity for employment, require that an assessor act in an unprofessional manner or commit acts in violation of this Act. A complaint of a violation of this section shall be thoroughly investigated by the board. A proceeding for a violation shall be conducted according to Section 10 of this Act.

Sec. 23. (a) An assessor registered under the terms of this Act shall:

(1) assess all property in his jurisdiction on a fair and equal basis to the best of his ability, using the estimated true market value as the basis for judgment except when required otherwise by the Texas Constitution or by law; and

(2) hold confidential any information received while performing duties as an assessor which could be used for personal gain, unless the information is public information, or is required by law to be public.

(b) An assessor registered under the terms of this Act may not:

(1) give or use an arbitrary opinion of value for any property in his jurisdiction unless the opinion is based on available and known facts;

(2) accept an assignment for assessing services, if his or her employment is contingent on the reporting of a specific predetermined amount of value or is contingent on the reporting of specific findings other than those known by the assessor to be facts at the time of the accepting of the assignment;

(3) accept remuneration other than the official salary or fee for assessing services rendered;

(4) act in a manner or engage in a practice that is dishonest or fraudulent, or involves deceit or misrepresentation that will bring discredit on the honor and dignity of the assessing profession; or

(5) violate the board's rules and regulations, the assessors code of ethics, or any part of this Act.

(c) Violations named in this section are sufficient reason for the board to suspend or revoke the registration of such persons.

Sec. 24. A person who is required, under Section 11 of this Act, to register with the board commits a Class A misdemeanor if he fails to register.

Sec. 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 2

Amend the Wyatt Substitute for **S.B. 67** on page 13, line 7 by striking the word "all" between assess and property.

Floor Amendment No. 3

Amend the amendment to **C.S.S.B. 67** by adding Section 24A to read as follows:

"Section 24A. Notwithstanding any provision of this Act, it is expressly provided that any person who is able to comply with the educational and examination requirements of this Act for the registration classifications pursuant to Section 12 of this Act, shall be entitled to receive from the board a statement of certification evidencing same."

Floor Amendment No. 4

Amend **C.S.S.B. No. 67** by striking all above the enacting clause and substituting the following:

**A BILL TO BE ENTITLED**

**AN ACT**

relating to registration and certification of persons who engage in assessing property for ad valorem tax purposes and providing a criminal penalty.

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed.

**SENATE BILL 532 WITH HOUSE AMENDMENT**

Senator Harris called **S.B. 532** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **S.B. 532**, Sec. 2, subparagraph (a), line 21 to read as follows:

“(a) Every applicant for an original or renewal”

The amendment was read.

Senator Harris moved to concur in the House amendment.

The motion prevailed.

(President in Chair)

### **SENATE BILL 867 WITH HOUSE AMENDMENTS**

Senator Jones of Harris called **S.B. 867** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend Senate Bill Number 867 on page one, line 13 by deleting “issued or delivered” and substituting in lieu thereof the following:

“delivered or issued for delivery”

Floor Amendment No. 2

Amend **S.B. 867** by deleting subdivision (i) of quoted Article 3.51-7 in Section 1 of the bill in its entirety and substituting therefor the following:

“(i) Nothing herein shall be deemed to require the continuation of any loss of time payments included in any such group accident and health insurance policy, nor of any other coverages beyond the time that seventy-five percent (75%) of the employees continue such coverage or as to any individual employee beyond the time that he takes full-time employment with another employer; nor shall anything herein be deemed to require continuation of coverage more than six (6) months after the cessation of work.”

The amendments were read.

Senator Jones of Harris moved to concur in the House amendments.

The motion prevailed.

### **SENATE BILL 1226 WITH HOUSE AMENDMENT**

Senator Sherman called **S.B. 1226** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 1226** by striking Sec. 3 and renumbering subsequent sections.

The amendment was read.

Senator Jones of Harris moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1226** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Sherman, Schwartz, Farabee, Meier and Adams.

#### **CONFERENCE COMMITTEE ON SENATE BILL 750 DISCHARGED**

On motion of Senator Traeger and by unanimous consent, the Conference Committee on **S.B. 750** was discharged.

Senator Traeger moved to concur in the House amendments to **S.B. 750**.

The motion prevailed.

#### **VOTE BY WHICH SENATE CONCURRED IN HOUSE AMENDMENTS TO SENATE BILL 66 RECONSIDERED**

On motion of Senator Schwartz and by unanimous consent, the vote by which the Senate concurred in House amendments to **S.B. 66** was reconsidered.

Question - Shall the Senate concur in the House amendments to the bill?

Senator Doggett moved to concur in the House amendments.

Senator Schwartz made the substitute motion that the Senate not concur in House amendments and that a conference committee be appointed.

The substitute motion was lost by the following vote: Yeas 15, Nays 16.

Yeas: Aikin, Andujar, Brooks, Harris, Jones of Harris, Kothmann, Lombardino, Mauzy, Ogg, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Jones of Taylor, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Sherman.

The motion to concur in the House amendments prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Adams, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Sherman, Snelson, Traeger, Truan.

Nays: Aikin, Brooks, Harris, Jones of Harris, Ogg, Santiesteban, Schwartz, Williams.

### HOUSE BILL 657 ON SECOND READING

Senator Ogg moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended to place on its second reading and passage to third reading and on its third reading and final passage:

**H.B. 657**, A bill to be entitled An Act relating to the creation, administration, and powers of metropolitan rapid transit authorities; amending Sections 1 through 17A, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Aikin, Andujar, Braecklein, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan.

Nays: Adams, Brooks, Creighton, Harris, Jones of Taylor, Meier, Moore, Sherman, Williams.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend **H.B. 657** by striking Section 11B.

The amendment was read.

On motion of Senator Ogg, the amendment was tabled by the following vote: Yeas 20, Nays 8, Present-Not Voting 1.

Yeas: Aikin, Andujar, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Ogg, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Creighton, Harris, Jones of Taylor, Meier, Moore, Sherman.

Present-Not Voting: Brooks.

Absent: Parker, Snelson.

The bill was passed to third reading.



**HOUSE BILL 657 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 657** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Creighton, Harris, Jones of Taylor, Meier, Moore, Sherman.

Absent: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Sherman, Brooks and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE RULE 74a SUSPENDED**

On motion of Senator Hance and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to **S.B. 1235**.

**SENATE BILL 1235 WITH HOUSE AMENDMENT**

By unanimous consent, Senator Hance called **S.B. 1235** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend Section 1, line 12 by striking the word "shall" and substituting the word "may".

The amendment was read.

Senator Hance moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1235** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Hance, Kothmann, Lombardino, Williams, and Farabee.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.B. 1575** today.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Human Resources might consider the following bills today:

**H.B. 924**

**H.B. 1095**

#### **HOUSE BILL 2207 REREFERRED**

On motion of Senator Kothmann and by unanimous consent, **H.B. 2207** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1 ON SECOND READING**

Senator Hance moved to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 1**, Relating to the reduction of and exemptions and exclusions from various state taxes; amending Article 14.02, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, relating to inheritance taxes; amending Section (R), Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, relating to the exemption of certain gas and electricity consumption and use from the state Limited Sales, Excise and Use Tax Act; amending Subparagraph (1), Paragraph C, Section 6, Local Sales and Use Tax Act (Article 1066c, Vernon's Texas Civil Statutes), relating to the imposition of local sales and use taxes on gas and electricity.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Harris, McKnight, Moore.

Absent: Santiesteban, Snelson.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator McKnight offered the following amendment to the bill:

Amend **C.S.H.B. 1** by striking all below the enacting clause and substituting the following:

#### ARTICLE I

Section 1. Article 14.02, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 14.02. CLASS A. (1) For taxable property [H] passing to or for the use of husband or wife, or any direct lineal descendant of husband or wife, or any direct lineal descendant or ascendant of the decedent, or to legally adopted child or children, or any direct lineal descendant of adopted child or children of the decedent, or to the husband of a daughter, or the wife of a son, the tax shall be one (1) per cent on any value [in excess of Twenty-five Thousand Dollars (\$25,000) and] not exceeding Fifty Thousand Dollars (\$50,000); two (2) per cent on any value in excess of Fifty Thousand Dollars (\$50,000), and not exceeding One Hundred Thousand Dollars (\$100,000); three (3) per cent on any value in excess of One Hundred Thousand Dollars (\$100,000), and not exceeding Two Hundred Thousand Dollars (\$200,000); four (4) per cent on any value in excess of Two Hundred Thousand Dollars (\$200,000), and not exceeding Five Hundred Thousand Dollars (\$500,000); five (5) per cent on any value in excess of Five Hundred Thousand Dollars (\$500,000), and not exceeding One Million Dollars (\$1,000,000); and six (6) per cent on any value in excess of One Million Dollars (\$1,000,000).

"(2) The first Two Hundred Thousand Dollars (\$200,000) of property transferred to a beneficiary or beneficiaries receiving property under this Article is exempt from taxation under this Chapter. When more than one beneficiary described in this Article receives property, and when the total amount passing under this Article exceeds Two Hundred Thousand Dollars (\$200,000), the amount of the exemption shall be divided among the beneficiaries in a manner proportional to the amount received under this Article by each beneficiary."

Sec. 2. This Article takes effect September 1, 1977, and applies to the estates of persons who die after August 31, 1977.

#### ARTICLE II

Section 1. Section (R), Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(R) Gas and Electricity. (1) There are exempted from the taxes imposed by this Chapter, but not from the taxes imposed by a city under the Local Sales and Use Tax Act, the sale, production, distribution, lease or rental of and the storage, use or other consumption in this State of gas and electricity except when sold for [residential use or] commercial use.

"(2) There are exempted from the taxes imposed by a city under the Local Sales and Use Tax Act the sale, production, distribution, lease or rental of, and the storage, use or other consumption in this State of gas and electricity except when sold for residential use or commercial use, unless sales for residential use are further exempted by the city as provided in the Local Sales and Use Tax Act.

"(3) For the purpose of this subsection, the terms 'residential use' and 'commercial use' shall have the following meanings:

"'Residential use' means use in a family dwelling or in a nursing or convalescent home licensed by the State of Texas or a multifamily apartment or housing complex or building or portion thereof occupied as a [the] home[s] or residence[; or sleeping place of one or more persons].

“‘Commercial use’ means use by persons engaged in selling, warehousing or distributing a commodity or service, either professional or personal.

“The term ‘commercial use’ specifically does not include use by persons engaged in: (1) processing tangible personal property for sale as tangible personal property; (2) exploration for or production and transportation of a material extracted from the earth; (3) agriculture, including dairy or poultry operations and pumping water for farm and ranch irrigation; or, (4) electrical processes such as electroplating, electrolysis and cathodic protection.”

Sec. 2. Article 20.01, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a Section (AA) to read as follows:

“(AA) The definitions and other provisions of this Chapter relating to the collection, administration, and enforcement of the taxes imposed by this Chapter, including requirements for sales tax permits, apply to sellers and purchasers whose sales and purchases are exempt from the taxes imposed by this Chapter, but who are subject to the taxes imposed by a city under the Local Sales and Use Tax Act.”

Sec. 3. Subsection B, Section 2, the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

“B. The sales tax portion of any local sales and use tax adopted under this Section is hereby imposed at the rate of one percent (1%) on the receipts from the sale at retail of all taxable items within any city adopting such tax which items are subject to taxation by the State of Texas under the provisions of the Limited Sales, Excise and Use Tax Act, as enacted, and as heretofore or hereafter amended, and at the rate of one percent (1%) on the receipts from the sale at retail within the city of gas and electricity for residential use as defined by the State Limited Sales, Excise and Use Tax Act.”

Sec. 4. Section 2, the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended by adding a Subsection L to read as follows:

“L. In each city in which a local sales and use tax has been imposed in the manner provided by this Act, every retailer selling gas or electricity for residential use shall add the tax imposed by this Act to his sales price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The amount of the tax on the sale at retail of gas and electricity for residential use shall be calculated by multiplying the amount of the tax by the sales price. Any fraction of one cent (\$.01) which is less than one-half of one cent (\$.005) shall not be collected. Any fraction of one cent (\$.01) of tax equal to one-half of one cent (\$.005) or more shall be collected by the retailer as a whole cent (\$.01) of tax. The Comptroller may publish a schedule based on the above formula for cities imposing a tax on the sale at retail of gas and electricity for residential use.”

Sec. 5. Section 4, the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 4. A. Except as provided in Subsection D of this Section, in ~~the~~ every city where the local sales and use tax has been adopted pursuant to the provisions of this Act, there is hereby imposed an excise tax on the storage, use, or other consumption within such city of tangible personal property purchased, leased, or rented from any retailer on or after the effective date for collection of the sales tax portion of the local sales and use tax for storage, use or other consumption in such city at the rate of one percent (1%) of the sales price of the property or, in the case of leases or rentals, of said lease or rental price; provided, that if no excise tax on the storage, use or other consumption of any article or item of tangible personal property is owed to or collected by the State of Texas under the State Limited Sales,

Excise and Use Tax Act, then the tax imposed by this Section shall not be owed to and shall not be collected by, for or in behalf of such city for storage or other consumption of such article or item of tangible personal property within such city.

"B. Except as provided in Subsection D of this Section, in ~~[4a]~~ each city where the local sales and use tax has been imposed as provided in Section 2 of this Act, the excise tax imposed under the State Limited Sales, Excise and Use Tax Act on the storage, use, or other consumption of tangible personal property and the excise tax imposed by this Section of this Act shall be added together to form a combined rate of excise tax which is equal to the sum of the two taxes. The tax imposed by this Section of this Act shall be collected by the Comptroller on behalf of and for the benefit of such city. The bracket system formula prescribed in Subsection K of Section 2 of this Act shall be applicable to the collection of the excise tax imposed under this Section.

"C. The provisions of Article 20.031, Title 122A, shall be applicable to the collection of the tax imposed by this Section, provided that the name of the city where the local sales and use tax has been adopted shall be substituted for that of the State where the words 'this State' are used to designate the taxing authority or to delimit the tax imposed; and provided further that the effective date for commencing the collection of the sales tax portion of the tax imposed by this Act in any city shall be substituted for the phrase 'the effective date of this Chapter.'

"D. In every city where the local sales and use tax has been adopted under this Act, there is imposed an excise tax on the storage, use or other consumption within the city of gas and electricity for residential use purchased, leased or rented from any retailer on or after the effective date for collection of the sales tax portion of the local sales and use tax for storage, use or other consumption within the city at the rate of one percent (1%) of the sales price of the gas and electricity for residential use, or in the case of leases or rentals, of the lease or rental price. In every city where the local sales and use tax has been adopted under this Act, the excise tax imposed by this Section shall be calculated as provided in Subsection L of Section 2 of this Act and shall be collected by the Comptroller on behalf of and for the benefit of the city in the same manner as if the use, storage or other consumption of gas and electricity for residential use were not exempt under the Limited Sales, Excise and Use Tax Act."

Sec. 6. The Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended by adding a Section 4A to read as follows:

"Section 4A. (1) There shall be allowed as a credit to any taxpayer against the excise tax imposed by this Act on the storage, use or other consumption within a city of gas and electricity for residential use, the amount of any like tax paid by that taxpayer in another state, territory, or possession of the United States with respect to the sale, purchase or use of the gas and electricity for residential use, if the other jurisdictions provide a similar tax credit for taxpayers of this State.

"(2) The storage, use or other consumption in this State of gas and electricity for residential use, the receipts from the sale, lease, rental or use of which are required to be included in the measure of the sales tax imposed by this Act, or gas and electricity for residential use, on which a use tax has been paid by the taxpayer using said gas and electricity for residential use, is exempted from the use tax imposed by this Act."

Sec. 7. The Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended by adding a Section 4B to read as follows:

"Section 4B. The governing body of any city that has adopted the tax authorized by this Act may, by a majority vote of the membership of the governing body, exempt from the taxes imposed under the authority of this Act the sale,

production, distribution, lease or rental of, and the storage, use or other consumption in the city of gas and electricity for residential use. The governing body of any city that has adopted the tax authorized by this Act and provided for the exemption authorized by this Section may, by a majority vote of the governing body, reimpose the taxes on the sale, production, distribution, lease or rental of, and the storage, use or other consumption in the city of gas and electricity for residential use. The effective date of any exemption authorized by this Section or of a reimposition of a tax under this Section shall be the first day of the first month after thirty (30) days after the final vote by the governing body of the city or on the first day of any month thereafter as provided in the ordinance of the city. Within ten (10) days after the final adoption of any ordinance under this Section, the city shall send to the Comptroller a copy of the ordinance."

Sec. 8. Subsection (a) of Section 5, the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) On and after the effective date of any tax imposed under the provisions of this Act, the Comptroller shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the Comptroller shall collect, in addition to the Limited Sales, Excise and Use Tax for the State of Texas, an additional tax under the authority of this Act of one percent (1%) on the receipts from the sale at retail or on the sale price or lease or rental price on the storage, use, or other consumption of all taxable items within such city which property is subject to the State Limited Sales, Excise and Use Tax Act, and an additional tax of one percent (1%) on the receipts on the sale at retail or on the sale price or lease or rental price on the storage, use or other consumption of gas and electricity for residential use within the city as provided in this Act unless exempted as provided in Section 4B of this Act. The tax imposed hereunder and the tax imposed under the Limited Sales, Excise and Use Tax Act shall be collected together, if both are imposed, and reported upon such forms and under such administrative rules and regulations as may be prescribed by the Comptroller not inconsistent with the provisions of this Act. On and after the effective date of any proposition to abolish such local sales and use tax in any city, the Comptroller shall comply therewith as provided in this Act."

Sec. 9. Paragraph (1), Subsection C, Section 6, the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) All exemptions granted to agencies of government, organizations, persons, and to the sale, storage, use, and other consumption of certain articles and items taxable under the provisions of Article 20.04, Chapter 20, Title 122A, are hereby made applicable to the imposition and collection of the tax imposed by this Act, except as specifically provided in Section (R) of Article 20.04, Title 122A, Taxation — General, Revised Civil Statutes of Texas, 1925, as amended."

Sec. 10. This article takes effect July 1, 1977, and shall apply to the first complete billing cycle of the utility company after July 1, 1977, and to each monthly billing cycle thereafter.

### ARTICLE III

Section 1. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Hance, the amendment was tabled by the following vote:  
Yeas 22, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Williams.

Nays: Creighton, Harris, Kothmann, Lombardino, McKnight, Mengden, Moore, Traeger, Truan.

Senator McKnight offered the following amendment to the bill:

Amend **C.S.H.B. 1** by striking all of Article 11 and renumbering the following Article.

The amendment was read.

On motion of Senator Hance, the amendment was tabled by the following vote:  
Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Mengden, Moore.

Senator Schwartz offered the following amendment to the bill:

Amend C.S.H.B. No. 1 by renumbering Section 3 of Article II as Section 4 and adding a new Section 3 to Article II to read as follows:

Section 3. The Local Sales and Use Tax Act (Article 1066c, Vernon's Texas Civil Statutes), as amended, is amended by adding a Section 6A to read as follows:

"Sec. 6A. The governing body of a city that has adopted the taxes authorized by this Act may, by a majority vote of the membership of the body, adopt for application within the city the exemption provided in Subsection (4), Section (R), Article 20.04, Title 122A, and when the exemption is adopted as provided by this Section, gas and electricity for residential use only is exempted from the taxes imposed by this Act in the amounts and in the manner as provided by Subsection (4), Section (R), Article 20.04, Title 122A. The governing body of a city that has adopted the exemption authorized by this Section may, by a majority vote of the membership of the body, rescind the adoption of the exemption. Within ten (10) days after the final adoption of an ordinance adopting the exemption authorized by this Section or rescinding the adoption of the exemption authorized by this Section, the city shall send to the Comptroller a copy of the ordinance. An ordinance adopting the exemption authorized by this Section or rescinding the adoption of the exemption authorized by the Section takes effect on the first day of the first month after thirty (30) days after the final vote by the governing body of the city or on the first day of any month thereafter as provided in the ordinance."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend C.S.H.B. No. 1 by striking in Article II, Section 1, Subsection (7) of Section (R) and substituting in lieu thereof the following:

“(7) The exemption authorized by Subsection (4) of this section applies only to the taxes imposed by this chapter and, unless the exemption is adopted by a city under Section 6A, Local Sales and Use Tax Act (Article 1066c, Vernon’s Texas Civil Statutes), does not apply to taxes imposed under the Local Sales and Use Tax Act.”

The amendment was read and was adopted.

On motion of Senator Hance and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1 ON THIRD READING**

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Harris, McKnight, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Harris, McKnight, Moore.

#### **HOUSE BILL 1160 REREFERRED**

On motion of Senator Traeger and by unanimous consent, **H.B. 1160** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.



**SENATE RULE 74a SUSPENDED**

On motion of Senator Moore and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to **S.B. 1161**.

**SENATE BILL 1161 WITH HOUSE AMENDMENT**

Senator Moore called **S.B. 1161** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 1161

**A BILL TO BE ENTITLED****AN ACT**

to amend Article 3914, Revised Civil Statutes of Texas, 1925, as amended: increasing the fee collected by the Secretary of State of issuing a notary public commission; providing for severability; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Article 3914, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"The Secretary of State is authorized and required to charge for use of the State the following other fees:

For each commission to every officer elected or appointed in this State, Two Dollars (\$2), except a Notary Public commission, Four Dollars (\$4).

For each official certificate, Two Dollars (\$2).

For each warrant of requisition, Two Dollars (\$2).

For each remission of fine or forfeiture, One Dollar (\$1).

For copies of any paper, document, or record in this office, fifty cents (50) per legal size page.

For recording each contract for the conditional sale, lease or hire of railroad equipment and rolling stock, and for recording each description of performance of such contract, Five Dollars (\$5); and for entering such declaration on the margin of the record of such contract, One Dollar (\$1).

For recording each certificate of consolidation of cities, and for recording each certificate of adoption of a city charter or amendment under the "Home Rule Act," fifty cents (50) per legal size page; provided such fee shall not be less than Two Dollars (\$2).

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed.

### RECESS

On motion of Senator Aikin the Senate at 12:07 o'clock p.m. took recess until 12:30 o'clock p.m. today.

### AFTER RECESS

The Senate met at 12:30 o'clock p.m. and was called to order by Senator Jones of Harris.

### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 32.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed. (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

**C.S.S.B. 1290** (Jones of Harris) Relating to certain obligations and benefits in a police officers' pension system. (31-0)(31-0)

**S.C.R. 103** (Mengden) Memorializing Congress to adopt a national energy policy. (vv) Mauzy "Nay"

**S.C.R. 106** (Ogg) Creating an Interim Committee to study reorganization of the administrative branch of state government. (vv)

**S.R. 702** (Sherman) Directing the Committee on Natural Resources to study the need to acquire and develop park land near urban areas to provide city dwellers with convenient recreational opportunities. (vv)

**S.R. 758** (Mengden) Memorializing Congress to adopt national energy program. (vv) Mauzy "Nay"

**H.B. 157** (Snelson) Relating to the annual audit report of school district fiscal accounts. (31-0)(31-0)

**H.B. 247** (Longoria) Relating to admission of children under the age of 18 to the public schools. (31-0)(31-0)

**H.B. 289** (Brooks) Relating to the appointment of an attorney ad litem in a proceeding for the appointment of a permanent guardian of an adult. (31-0)(31-0)

**H.B. 355** (Mauzy) Conferring jurisdiction on the district courts to hear and determine election contests relative to boards of certain agencies. (31-0)(31-0)

**H.B. 407** (Mengden) Exempting from sales tax sales of emergency medical equipment and vehicles by volunteer fire department. (31-0)(31-0)

**H.B. 447** (Mengden) Relating to making confidential the health history information required on a driver's license application. (31-0)(31-0)

**H.B. 506** (McKnight) Relating to the authority of certain cities and towns with regard to dilapidated structures. (31-0)(31-0)

**H.B. 524** (Clower) Relating to statutes of limitations when the period ends on Saturday, Sunday or a holiday. (31-0)(31-0)

**H.B. 578** (Jones of Harris) Relating to certain districts engaging in firefighting activities; amending the Water Code. (31-0)(31-0)

**H.B. 620** (Aikin) Relating to designation of January 6 as "Sam Rayburn Day." (31-0)(31-0)

**H.B. 641** (Brooks) Relating to parking fees and penalties for certain vehicles operated by or for permanently disabled persons. (31-0)(31-0)

**H.B. 649** (Mengden) Relating to registration of vehicles owned by volunteer fire departments. (31-0)(31-0)

**H.B. 661** (Parker) Relating to dissolution of rural fire prevention districts. (31-0)(31-0)

**H.B. 884** (Parker) Relating to the use of school buses for non-school activities. (31-0)(31-0)

**H.B. 905** (Braecklein) Relating to the return of stolen property to the rightful owner when no criminal trial is pending. (31-0)(31-0)

**H.B. 936** (Brooks) Relating to the transfer of certain students to adjacent school districts. (31-0)(31-0)

**H.B. 937** (Adams) Relating to policy forms and endorsements for aircraft insurance. (31-0)(31-0)

**H.B. 997** (Jones of Harris) Relating to the penalty for criminal nonsupport of children. (31-0)(31-0)

**H.B. 1067** (Farabee) Relating to the authority of the county judge to order certain school district elections. (31-0)(31-0)

**H.B. 1089** (Hance) Relating to the offense of injury to a child and providing penalties therefor. (31-0)(31-0)

**H.B. 1146** (Truan) Relating to conduct indicating a need for supervision. (31-0)(31-0)

**H.B. 1180** (Parker) Relating to the election of commissioners of Jefferson County Drainage District No. 7. (31-0)(31-0)

- H.B. 1214** (Schwartz) Relating to records to be kept of bail. (31-0)(31-0)
- H.B. 1218** (Williams) Relating to promotional examinations for firemen and policemen. (31-0)(31-0)
- H.B. 1232** (Farabee) Relating to the recordation and issuance of information concerning completion of driver education courses. (31-0)(31-0)
- H.B. 1242** (Brooks) Relating to providing interpreters for deaf students of the Texas State Technical Institute. (31-0)(31-0)
- H.B. 1269** (Jones of Harris) Relating to selling, commercially distributing, commercially exhibiting, or possessing for sale, distribution, or exhibition certain obscene material. (31-0)(31-0)
- H.B. 1410** (Longoria) Relating to the computation of the official grade point average of a student enrolled in an institution of higher education. (31-0)(31-0)
- H.B. 1412** (Williams) Relating to the authority of the city council of certain cities to set the salary and expenses to be paid to elected city officials. (30-1) Mengden "Nay" (30-1) Mengden "Nay"
- H.B. 1456** (Doggett) Relating to the elimination of a special archery season in Blanco County. (31-0)(31-0)
- H.B. 1488** (Santiesteban) Relating to a court administrator system for county courts at law in certain counties. (31-0)(31-0)
- H.B. 1536** (Andujar) Relating to the fee for a duplicate motor vehicle license receipt. (31-0)(31-0)
- H.B. 1537** (Andujar) Relating to the fee for a certificate of title. (31-0)(31-0)
- H.B. 1547** (Clower) Relating to the inspection fee levied on commercial feed. (31-0)(31-0)
- H.B. 1550** (Creighton) Relating to refunding certain bonds and other obligations of cities, towns, and villages. (30-1) Mengden "Nay" (30-1) Mengden "Nay"
- H.B. 1551** (Schwartz) Relating to the compensation of the judges of the 23rd and 130th Judicial Districts. (31-0)(31-0)
- H.B. 1599** (McKnight) Relating to the slaughter of horses. (31-0)(31-0)
- H.B. 1631** (Williams) Relating to the providing of water quality enhancement funds to designated regional entities for construction of regional waste treatment systems. (31-0)(31-0)
- H.B. 1685** (Aikin) Relating to compensatory education aid. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"
- H.B. 1721** (Doggett) Relating to liability insurance for county officers and employees. (31-0)(31-0)

**H.B. 1784** (Adams) Relating to removing indications of illegitimacy from the certificate of birth. (31-0)(31-0)

**H.B. 1791** (Traeger) Relating to the protection of certain livestock from ticks capable of carrying disease. (31-0)(31-0)

**H.B. 1811** (Santiesteban) Relating to the assessment and collection of ad valorem taxes on property not validly assessed. (31-0)(31-0)

**H.B. 1813** (Santiesteban) Relating to the assessment, collection, and equalization of ad valorem taxes of municipalities and districts by other municipalities. (31-0)(31-0)

**H.B. 1833** (Truan) Relating to maintenance and inspection of records of absentee voters and the applications for absentee ballots and accompanying papers. (31-0)(31-0)

**H.B. 1878** (Brooks) Relating to compensation of members of the State Board of Pharmacy and the setting of certain license fees. (31-0)(31-0)

**H.B. 1880** (Brooks) Creating the Joint Advisory Committee on Educational Services to the Deaf. (31-0)(31-0)

**H.B. 1931** (Adams) Relating to maximum prima facie speed limits on federal military reservations. (30-1) Traeger "Nay" (30-1) Traeger "Nay"

**H.B. 2146** (Aikin) Relating to the Anna-Van Alstyne Water District. (31-0)(31-0)

**H.B. 2163** (Patman) Relating to the creation of the office of Criminal District Attorney for Bastrop County. (31-0)(31-0)

**H.B. 2166** (Santiesteban) Relating to the establishment, jurisdiction, administration, and procedures of municipal courts in the City of El Paso. (31-0)(31-0)

**H.B. 2171** (Snelson) Relating to the dissolution of the Kerrville South Utility District No. 1. (31-0)(31-0)

**H.B. 2172** (Farabee) Relating to renewal fees for licenses issued by and per diems for members of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids. (31-0)(31-0)

**H.B. 2182** (Adams) Relating to the creation of the Mabank-Kemp Hospital District. (31-0)(31-0)

**H.B. 2189** (Parker) Relating to student center fees at Lamar University. (31-0)(31-0)

**H.B. 2193** (Longoria) Relating to travel expenses and per diem payments to visiting court reporters. (31-0)(31-0)

**H.B. 2197** (Lombardino) Relating to expiration of notification of intent to damage a recorded Texas historic landmark. (31-0)(31-0)

**H.B. 2209** (McKnight) Relating to the gaming laws of Upshur County. (31-0)(31-0)

**H.B. 2210** (Longoria) Relating to selection of directors in certain consolidated water control and improvement districts. (31-0)(31-0)

**H.B. 2213** (Parker) Relating to the creation of the Meeker Municipal Water District. (31-0)(31-0)

**H.B. 2218** (Aikin) Relating to an archery season in Morris County. (31-0)(31-0)

**H.B. 2219** (Snelson) Relating to the regulatory authority of the Parks and Wildlife Department over wildlife resources in Kendall County. (31-0)(31-0)

**H.B. 2223** (Andujar) Relating to fees for directors of the Benbrook Sewer and Water Authority. (31-0)(31-0)

**H.B. 2225** (Moore) Providing that the general law archery season is applicable in Leon County. (31-0)(31-0)

**H.B. 2234** (Moore) Relating to the dissolution of the Pond Creek Watershed Authority. (31-0)(31-0)

**H.B. 2235** (Patman) Relating to annexation, bonds, and acquisition of water by the Bell County Water Control and Improvement District No. 1. (31-0)(31-0)

**H.B. 2236** (Andujar) Relating to election of trustees of the Fort Worth Independent School District. (31-0)(31-0)

**C.S.H.B. 2238** (Meier) Relating to the establishment of a municipal court of record in Fort Worth. (31-0)(31-0)

**H.B. 2240** (Hance) Relating to persons who may be appointed as guardians. (31-0)(31-0)

**H.B. 2243** (Moore) Authorizing the creation of the Burleson County Hospital District. (31-0)(31-0)

**H.B. 2244** (Truan) Relating to the validation of the election of and governmental acts and proceedings by the directors of certain conservation and reclamation districts. (31-0)(31-0)

**H.B. 2245** (Snelson) Relating to the compensation of the judges of the 51st and 119th Judicial Districts. (31-0)(31-0)

**H.B. 2253** (Andujar) Relating to the compensation of certain judges in Tarrant County. (31-0)(31-0)

**H.B. 2254** (Sherman) Relating to the definition of waste of natural gas and the limitation of the escape of natural gas. (31-0)(31-0)

**C.S.H.B. 2257** (Hance) Relating to a plea of not guilty to certain offenses. (30-1) Mengden "Nay" (30-1) Mengden "Nay"

**H.B. 2258** (Andujar) Relating to boundary changes of the Fort Worth Independent School District. (31-0)(31-0)

**H.B. 2259** (Traeger) Relating to the open season for hunting quail in Jim Hogg County. (31-0)(31-0)

**H.J.R. 42** (Jones of Harris) Proposing amendments to the Texas Constitution authorizing certain districts to engage in fire-fighting activities and to issue bonds or other indebtedness or to issue bonds or otherwise lend their credit for fire-fighting purposes. (31-0)(31-0)

**H.C.R. 27** (Clower) Directing the Public Utility Commission to initiate a study of alternatives to the rate structure presently utilized by the state's public utilities. (vv)

**H.C.R. 88** (Doggett) Authorizing the placement of a historical marker. (vv)

**H.C.R. 102** (Sherman) Memorializing Congress to implement a national energy policy. (vv) Mauzy "Nay"

**H.C.R. 148** (Adams) Authorizing the Department of Highways and Public Transportation to transfer certain property. (vv)

**H.C.R. 155** (Mengden) Granting Wallace Christophersen permission to sue the state. (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number and caption, as well as the vote on the suspension of the Constitutional Three-Day Rule and final passage):

**H.B. 321** (Brooks) Relating to the regulation of health care facilities that treat alcoholics. (31-0)(31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend H.B. No. 321 as follows:

(1) Strike Sections 11 and 12 and substitute the following:

Sec. 11. **PERSONNEL.** The commission shall carry out the licensing provided by this Act without employing additional personnel or requiring additional funds for the fiscal years ending August 31, 1978, and August 31, 1979.

Sec. 12. This Act takes effect September 1, 1977, except for Section 2 which takes effect September 1, 1978.

(2) Add a Section 13 to read as follows:

Sec. 13. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended.

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 337** (Mauzy) Relating to the manner of filling vacancies in the office of trustee in certain junior college districts. (31-0)(31-0)

Senator Mauzy offered the following committee amendment to the bill:

On page 1, line 17 by deleting the words "Any person so appointed" and inserting in their place the following:

"If the vacancy occurs on a board whose members are elected in at-large elections, the person appointed to fill the unexpired term", and

On page 1, line 21 by adding the following after the sentence ending on that line:

"If the vacancy occurs on a board whose members are elected from single-member districts, the person appointed to fill the unexpired term shall serve until the next regular election for that particular district."

The committee amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 368** (Jones of Harris) Relating to actions taken and reports made after a motor vehicle accident. (31-0)(31-0)

Senator Jones of Harris offered the following amendment to the bill:

Amend **H.B. 368** by adding a new Section 4 to the bill to read as follows:

"Section 4. Section 40 Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 40. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and the name of his motor vehicle liability insurer, and shall upon request and if available exhibit his operator's, commercial operator's, or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle colliding with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person."

And renumbering succeeding sections of the bill accordingly.

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 955** (Jones of Harris) Relating to promotion of improved understanding of state government by certain high school students. (31-0)(31-0)



Senator Jones of Harris offered the following amendment to the bill:

Amend H. B. 955 by striking the word "shall" in Sec. 3. and substituting the word "may" in lieu thereof.

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1592 (Meier) Relating to interpreters for deaf persons. (31-0)(31-0)**

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1592** by striking the word "may" on line 1 of page 4 of the bill and substituting in lieu thereof the word "shall".

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1739 (Jones of Harris) Relating to the removal of vehicles from parking facilities or public highways. (31-0)(31-0)**

Senator Jones of Harris offered the following amendment to the bill:

Amend **H.B. 1739** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. In this Act:

(a) "Parking facility" means any public or private property used, in whole or in part, for restricted and/or paid parking of vehicles. "Parking facility" includes but is not limited to commercial parking lots, parking garages, and parking areas serving or adjacent to businesses, churches, schools, homes, and apartment complexes. "Parking facility" also includes a restricted portion or portions of an otherwise unrestricted parking facility.

(b) "Parking facility owner" means any operator or owner (including any lessee, employee or agent thereof) of a parking facility.

(c) "Public highway" means any public street, alley, road, right-of-way, or other public way.

(d) "Towing company" means any individual, corporation, partnership, or association engaged in the business of towing vehicles on a public highway for compensation or with the expectation of compensation for the towing, storage, or repair of vehicles. The term "towing company" includes the owner, operator, employee, or agent of a towing company, but does not include cities, counties, or other political subdivisions of the state.

(e) "Vehicle" means every kind of device in, upon, or by which any person or property is or may be transported or drawn on a public highway, except devices moved by human power or used exclusively on stationary rails or tracks.

(f) "Unauthorized vehicle" means any vehicle parked, stored, or situated in or on a parking facility without the consent of the parking facility owner.

Sec. 2. (a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause such vehicle to be removed and stored

at the expense of the owner or operator of the vehicle, if any of the following occurs:

(i) A sign or signs specifying those persons who may park in the parking facility and prohibiting all others, are placed so that they are readable day or night from all entrances to the parking facility (but signs need not be illuminated);

(ii) the owner or operator of the unauthorized vehicle has actually received notice from the parking facility owner that the vehicle will be towed away if it is not removed; or

(iii) the unauthorized vehicle is obstructing an entrance, exit, fire land, or aisle of the parking facility.

(b) Otherwise, a parking facility owner may not have an unauthorized vehicle removed except under the direction of a peace officer or the owner or operator of such vehicle.

(c) A parking facility owner who causes the removal of an unauthorized vehicle in compliance with the provisions of this section shall not be liable for damages arising out of the removal or storage of such vehicle, if the same is removed by an insured towing company.

Sec. 3. (a) A towing company may, without the consent of the owner or operator of an unauthorized vehicle, remove and store such vehicle at the expense of the owner or operator of the vehicle, if any of the following occurs:

(i) a sign or signs specifying those persons who may park in the parking facility and prohibiting all others, are placed so that they are readable day or night from all entrances to the parking facility (but signs need not be illuminated);

(ii) the towing company has received written verification from the parking facility owner that the owner or operator of the unauthorized vehicle has been actually notified by the parking facility owner that the vehicle will be towed away if it is not removed; or

(iii) the unauthorized vehicle is obstructing an entrance, exit, fire lane, or aisle of the parking facility.

(b) Otherwise, a towing company may not remove an unauthorized vehicle except under the direction of a peace officer or the owner or operator of such vehicle.

Sec. 4. A towing company may not remove a vehicle from a public highway except under the direction of a peace officer or the owner or operator of such vehicle.

Sec. 5. A parking facility owner may not accept anything of value, directly or indirectly, from a towing company in connection with the removal of a vehicle from a parking facility. A parking facility owner may not have a pecuniary interest, directly or indirectly, in a towing company which removes unauthorized vehicles for compensation from a parking facility in which the parking facility owner has an interest.

Sec. 6. A towing company may not give anything of value, directly or indirectly, to a parking facility owner in connection with the removal of a vehicle from a parking facility. A towing company may not have a pecuniary interest, directly or indirectly, in a parking facility from which the towing company removes unauthorized vehicles for compensation.

Sec. 7. (a) Any towing company or parking facility owner who violates this Act shall be liable to the owner or operator of the vehicle for damages arising out of the removal or storage of such vehicle and/or any towing or storage fees assessed in connection with the removal or storage of such vehicle. Negligence on the part of the parking facility owner or towing company need not be proven in order to recover under this Act.

(b) In any suit brought under this Act, the prevailing party shall recover reasonable attorney's fees from the nonprevailing party.

Sec. 8. Any violation of this Act is a Class B misdemeanor. Any violation of the provisions of this Act may be enjoined pursuant to the provisions of the Deceptive Trade Practices-Consumer Protection Act.

Sec. 9. Chapter 536, Acts of the 61st Legislature, Regular Session, 1969 (Article 1015m, Vernon's Texas Civil Statutes), relating to the removal of unauthorized vehicles, is repealed.

Sec. 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Jones of Harris offered the following amendment to the bill:

Amend **H.B. 1739** by striking all above the enacting clause and substituting in lieu thereof the following:

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relating to the removal of vehicles from parking facilities or public highways; providing a penalty; repealing Chapter 536, Acts of the 61st Legislature, Regular Session, 1969 (Article 1015m, Vernon's Texas Civil Statutes).

The amendment was read and was adopted.

**H.B. 2028** (Traeger) Relating to the powers and duties of municipalities with respect to tax-increment financing. (31-0)(31-0)

Senator Traeger offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend H.B. No. 2028 as follows:

(1) Renumber Sections 5 and 6 as Sections 6 and 7 and insert a new Section 5 to read as follows:

Sec. 5. Chapter 298, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 12691-3, Vernon's Annotated Civil Statutes), is amended by adding Section 5b to read as follows:

"Sec. 5b. APPROVAL OF TAX INCREMENT FINANCING. A city may not use the tax increment method of financing prescribed by Sections 22a, 22b, 22c, and 22d of this Act unless a majority of the qualified voters of the city voting on the question, who own taxable property within the city that is duly rendered for taxation, approve that method of financing in an election held by the city. At an election held under this section, the ballots shall provide for voting for or against the proposition: 'Use of tax increment financing for urban renewal purposes.' An election under this section may be held in conjunction with an election held under Section 5 or 5a of this Act." This referendum shall not be necessary if the constitutional amendment on Tax Increment Financing is approved by the voters.

(2) In quoted Subsection (i) of Section 2 of the bill, strike the first sentence of quoted Subsection (i) and substitute the following:

“(i) Upon approval of an urban renewal plan by the city and approval of the tax increment method of financing as required under Section 5b of this Act, a fund, to be known as the ‘Tax-increment Fund’ shall be established by the adoption of a resolution by the City Council.

The committee amendment was read and was adopted.

Senator Traeger offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H.B. No. 2028, Section 4, by adding after the first sentence in quoted Subsection (b) of quoted Section 22c the following:

The period of maturity of tax increment bonds is limited to a maximum of 20 years from the date of issuance.

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2061** (Creighton) Relating to persons exempted from licensing as life insurance counselors. (30-1) Clower “Nay” (30-1) Clower “Nay”

Senator Creighton offered the following committee amendment to the bill:

Amend **H.B. 2061** to read as follows:

“Section 3.

“(g) Faculty members of a senior college or university, including public institutions and private institutions that are accredited by or authorized to grant degrees in this state, who have both an earned doctorate with a major field of risk and insurance and the Chartered Life Underwriter (C.L.U.) designation.”

The committee amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2165** (Adams) Creating and establishing the East Cedar Creek Fresh Water Supply District of Henderson County. (31-0)(31-0)

Senator Adams offered the following committee amendment to the bill:

Amend H.B. No. 2165 by adding Section 5A to read as follows:

Sec. 5A. Notwithstanding any other provisions of this Act, the district shall in no event furnish water to household users in competition with the city of Mabank unless the district receives permission to do so from the Public Utility Commission of Texas, with the consent of the city of Mabank.

The committee amendment was read and was adopted.

On motion of Senator Adams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 2196** (Truan) Increasing the compensation of the members of the Nueces County Juvenile Board. (31-0)(31-0)

Senator Truan offered the following committee amendment to the bill:

Amend H.B. No. 2196 by striking the quoted figure \$10,000 in quoted Section 15 of Section 1 of the bill and substituting the figure \$8,000 in lieu thereof.

The committee amendment was read and was adopted.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

#### **BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

The following bill was removed from the Local and Uncontested Bills Calendar:

Bill No.

Senators Objecting

**H.B. 2081**

Jones of Harris, Mauzy, Schwartz

#### **CONCLUSION OF SESSION LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Jones of Harris in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

#### **RECESS**

On motion of Senator Aikin the Senate at 1:33 o'clock p.m. took recess until 2:00 o'clock p.m. today.

#### **AFTER RECESS**

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

#### **REPORTS OF STANDING COMMITTEES**

By unanimous consent, Senator Brooks submitted the following report for the Committee on Human Resources:

**H.B. 178**

**H.B. 924**

**H.B. 1095**

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

H.B. 160  
H.B. 1575  
S.R. 741  
H.J.R. 11

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 107  
S.C.R. 108  
S.J.R. 49  
S.J.R. 53  
S.B. 332  
S.B. 343  
S.B. 1158  
H.J.R. 37  
H.C.R. 116  
H.C.R. 127  
H.C.R. 130  
H.C.R. 132  
H.C.R. 133  
H.C.R. 134  
H.C.R. 142  
H.C.R. 144  
H.C.R. 160  
H.C.R. 181  
H.B. 22  
H.B. 42  
H.B. 144  
H.B. 318  
H.B. 409  
H.B. 416  
H.B. 436  
H.B. 580  
H.B. 612 (Signed subject to Sec. 49a, Article III,  
Constitution of the State of Texas)  
H.B. 617  
H.B. 670  
H.B. 712  
H.B. 785  
H.B. 858  
H.B. 890  
H.B. 930  
H.B. 942  
H.B. 971  
H.B. 1008  
H.B. 1121  
H.B. 1168  
H.B. 1177  
H.B. 1187  
H.B. 1262  
H.B. 1396  
H.B. 1469 (Signed subject to Sec. 49a, Article III,

## Constitution of the State of Texas)

H.B. 1505  
H.B. 1517  
H.B. 1602  
H.B. 1660 (Again signed)  
H.B. 1679  
H.B. 1688  
H.B. 1700  
H.B. 1722  
H.B. 1796  
H.B. 1812  
H.B. 1849  
H.B. 1850  
H.B. 1852  
H.B. 1860  
H.B. 1886  
H.B. 1908  
H.B. 1921  
H.B. 2036  
H.B. 2134  
H.B. 2152  
H.B. 2162  
H.B. 2173  
H.B. 2183  
H.B. 2195  
H.B. 2212  
H.B. 2215  
H.B. 2216  
H.B. 2228

## MESSAGE FROM THE HOUSE

House Chamber  
May 27, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 443**, Amending the Firemen's and Policemen's Civil Service Act. (With amendments)

**S.B. 433**, Relating to the definition of "junked vehicle."

**S.B. 133**, Extending workmen's compensation coverage to members of the commissioners court. (With amendment)

**S.B. 773**, Relating to construction of certain buildings to make them accessible to the handicapped. (With amendments)

**S.B. 146**, Failed on final passage by a record vote of 48 ayes, 95 noes.

**S.B. 471**, Relating to expunction of certain records of arrest.

**S.B. 758**, Relating to authority of the Board of Regents of Texas Southern University to dispose of certain land and collect certain fees. (With amendment)

The House has adopted the Conference Committee Report on Senate Bill 151 by a record vote of 123 ayes, 20 noes, 2 PNV.

**S.B. 3**, Relating to prohibiting telephone companies from charging for provision of directory assistance. (With amendment)

**S.B. 416**, Relating to the rights of medical personnel and health care facilities not to perform abortions. (With amendment)

**H.C.R. 62**, Resolution for activity assessment routine development.

**H.C.R. 184**, Granting Primary Fuels, et al. permission to sue the State.

**S.B. 1323**, Making supplemental appropriations to the Attorney General's Office.

**H.B. 1138**, Relating to high school equivalency certificates for certain junior college students; adding Section 51.907 to Chapter 51, Texas Education Code, as amended.

**H.J.R. 3**, Amending the constitution to increase the homestead exemption for persons 65 years of age or older.

**S.B. 754**, Relating to an increase in monthly benefits payable by the Employees Retirement System to certain annuitants. (With amendments)

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 151 ADOPTED**

Senator Meier called from the President's table the Conference Committee Report on **S.B. 151**. (The Conference Committee Report having been filed with the Senate and read on Wednesday, May 25, 1977.)

Question - Shall the Point of Order be sustained?

The President overruled the Point of Order raised yesterday by Senator Santiesteban.

Pending discussion by Senator Meier of the adoption of the Conference Committee Report, Senator Creighton suggested the absence of a quorum. A roll call reflected the following: Present 22.

Senators Present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Sherman, Snelson, Traeger.



The President announced a quorum was present.

On motion of Senator Meier, the Conference Committee Report on **S.B. 151** was adopted by the following vote: Yeas 25, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris, Mauzy, Santiesteban.

Absent: Ogg, Adams.

(Senator Aikin in Chair)

#### **BILL SIGNED**

The Presiding Officer announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

**H.B. 510** (Signed subject to Sec. 49a, Article III,  
Constitution of the State of Texas.)

(President in Chair)

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 152 ADOPTED**

Senator Meier called from the President's table the Conference Committee Report on **S.B. 152**. (The Conference Committee Report having been again filed with the Senate and read on Tuesday, May 24, 1977.)

On motion of Senator Meier, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Creighton, Doggett, Mauzy, Ogg, Santiesteban, Truan.

Absent: Adams.

#### **HOUSE BILL 2067 ON SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2067**, Relating to withholding warrants to persons owing delinquent state taxes.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 2067 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2067** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Parker

#### **SENATE BILL 157 WITH HOUSE AMENDMENTS**

Senator Meier called **S.B. 157** from the President's table for consideration of the House amendments to the bill.

Senator Meier moved to concur in the House amendments to the bill.

Question - Shall the Senate concur in the House amendments to the bill?

#### **CO-AUTHOR OF SENATE BILL 1227**

On motion of Senator Mengden and by unanimous consent, Senator Moore will be shown as Co-author of **S.B. 1227**.

#### **LEAVES OF ABSENCE**

Senator Mengden was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

Senator McKnight was granted leave of absence for the remainder of today on account of important business on motion of Senator Hance.

(Senator Parker in Chair)

#### **SENATE BILL 157 WITH HOUSE AMENDMENTS**

The Senate resumed consideration of **S.B. 157** with House amendments.

Question - Shall the Senate concur in the House amendments to the bill?

(President in Chair)

**MOTION TO ADJOURN**

Senator Creighton moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

The motion was lost by the following vote: Yeas 10, Nays 17.

Yeas: Braecklein, Clower, Creighton, Jones of Harris, Longoria, Mauzy, Parker, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Andujar, Brooks, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Moore, Ogg, Patman, Traeger, Williams.

Absent: Santiesteban, Snelson.

Absent-excused: McKnight, Mengden.

**SENATE BILL 157 WITH HOUSE AMENDMENTS**

The Senate resumed consideration of S.B. 157 with House amendments.

Question - Shall the Senate concur in the House amendments to the bill?

Pending discussion by Senator Jones of Harris of the House amendments to S.B. 157, Senator Aikin occupied the Chair.

(Senator Adams in Chair)

**MOTION TO ADJOURN**

Senator Creighton moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

The motion was lost by the following vote: Yeas 10, Nays 18.

Yeas: Braecklein, Clower, Creighton, Jones of Harris, Longoria, Mauzy, Parker, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Andujar, Brooks, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Moore, Ogg, Patman, Snelson, Traeger, Williams.

Absent: Santiesteban.

Absent-excused: McKnight, Mengden.

(President in Chair)

**REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 88  
H.B. 443 (Amended)  
H.B. 1193  
H.B. 1941 (Amended)  
C.S.H.B. 1576 (Read first time)

#### LEAVE OF ABSENCE

Senator Traeger was granted leave of absence for the remainder of today on account of important business on motion of Senator Lombardino.

#### SENATE BILL 157 WITH HOUSE AMENDMENTS

The Senate resumed consideration of **S.B. 157** with House amendments.

Question - Shall the Senate concur in the House amendments to the bill?

Pending discussion by Senator Jones of Harris of the House amendments to **S.B. 157**, Senator Schwartz occupied the Chair.

(President in Chair)

Question - Shall the Senate concur in the House amendments to the bill?

#### CONFERENCE COMMITTEE REPORT SENATE BILL 368

Senator Ogg submitted the following Conference Committee Report:

Austin, Texas  
May 27, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 368** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

OGG  
ADAMS  
PARKER  
SANTIESTEBAN  
On the part of the Senate

DONALDSON  
EVANS  
THOMPSON  
BLANTON  
NABERS

On the part of the House  
CONFERENCE COMMITTEE REPORT  
A BILL TO BE ENTITLED  
AN ACT

relating to the creation or reorganization of certain judicial districts and prosecuting attorneys for certain districts; making provisions relative to those courts and the judges of those courts; relating to the jurisdiction of certain county and district courts; providing effective dates; amending Subchapters C and D, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Sections 3.067-3.091 and Sections 4.006-4.007, respectively; amending Chapter 179, Acts of the 50th Legislature, Regular Session, 1947 (Article 199(130), Vernon's Texas Civil Statutes), by adding Section 1a; amending Subdivision 90, Article 199, Revised Civil Statutes of Texas, 1925, as amended; amending Sections 1 and 2 of Section 2, Chapter 184, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 199(104), Vernon's Texas Civil Statutes); amending Subsections (b) and (f), Section 6 of Section 2, Chapter 184, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 326k-62, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.067-3.081, 3.083-3.085, and Section 3.087 to read as follows:

"Section 3.067. The 242nd Judicial District, composed of the counties of Hale, Swisher, and Castro, is hereby created.

"Section 3.068. The 243rd Judicial District, composed of the County of El Paso, is hereby created.

"Section 3.069. The 244th Judicial District, composed of the County of Ector, is hereby created.

"Section 3.070. (a) The 245th Judicial District, composed of the County of Harris, is hereby created.

"(b) The 245th District Court shall give preference to family law matters.

"Section 3.071. (a) The 246th Judicial District, composed of the County of Harris, is hereby created.

"(b) The 246th District Court shall give preference to family law matters.

"Section 3.072. (a) The 247th Judicial District, composed of the County of Harris, is hereby created.

"(b) The 247th District Court shall give preference to family law matters.

"Section 3.073. (a) The 248th Judicial District, composed of the County of Harris, is hereby created.

"(b) The 248th District Court shall give preference to criminal cases.

"(c) The 248th District Court shall hold four terms each year for the trial of causes and the disposition of business coming before it, one term beginning on the first Monday in August, one term beginning on the first Monday in November, one term beginning on the first Monday in February, and one term beginning on the first Monday in May of each year. Each term shall continue until the business is disposed of.

"Section 3.074. The 249th Judicial District, composed of the counties of Johnson and Somervell, is hereby created.

"Section 3.075. (a) There is hereby created a judicial district, composed of the counties of Jasper, Newton, and Tyler, to be known as Judicial District 1A.

“(b) The jurisdiction of the court created in this section is concurrent with the jurisdiction of the other district courts in the Counties of Jasper, Newton, and Tyler, which courts shall retain and continue to exercise the jurisdiction that is now or may be hereafter conferred by law on district courts.

“Section 3.076. The 250th Judicial District, composed of the County of Travis, is hereby created.

“Section 3.077. (a) The 251st Judicial District, composed of the Counties of Potter and Randall, is hereby created.

“(b) The 251st District Court may hear and determine, in whichever county in that district is convenient for the court, all preliminary or interlocutory matters in which a jury may not be demanded in any case pending in any county in the district, regardless of whether the cases were filed in the county in which the hearing is held. The 251st District Court may, unless there is some objection filed by a party to the suit, hear, in any county in the district which is convenient for the court, any nonjury case, including but not limited to divorces, adoptions, default judgments, and matters where there has been citation by publication, pending in any county in the district, regardless of whether the cases were filed in the county in which the hearing is held.

“Section 3.078. (a) The 252nd Judicial District, composed of the County of Jefferson, is hereby created.

“(b) The 252nd District Court shall give preference to criminal cases.

“(c) The 252nd District Court shall hold four terms each year for the trial of causes and the disposition of business coming before it, one term beginning the first Monday of April, one term beginning the first Monday of July, one term beginning the first Monday of October, one term beginning the first Monday of January. Each term shall continue until the term ends by operation of law or the business is disposed of.

“Section 3.079. The 253rd Judicial District, composed of the counties of Chambers and Liberty, is hereby created.

“Section 3.080. (a) The 254th Judicial District, composed of the County of Dallas, is hereby created.

“(b) The 254th District Court shall give preference to family law matters.

“Section 3.081. (a) The 255th Judicial District, composed of the County of Dallas, is hereby created.

“(b) The 255th District Court shall give preference to family law matters.”

“Section 3.083. (a) The 257th Judicial District, composed of the County of Harris, is hereby created.

“(b) The 257th District Court shall give preference to family law matters.

“Section 3.084. The 258th Judicial District, composed of the counties of Polk, San Jacinto, and Trinity is hereby created.

“Section 3.085. (a) The 259th Judicial District, composed of the counties of Jones and Shackelford, is hereby created.

“(b) In addition to the jurisdiction prescribed by the constitution and general laws of the state for district courts, the 259th District Court in both of the counties of Jones and Shackelford shall have all original and appellate civil and criminal jurisdiction normally exercised by county courts under the constitution and general laws of this state.”

“Section 3.087. The 261st Judicial District, composed of the County of Travis, is hereby created.”

Sec. 2. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.086-3.088 to read as follows:

“Section 3.086. The 260th Judicial District, composed of the County of Orange, is hereby created.”

"Section 3.088. The 262nd Judicial District, composed of the County of Harris, is hereby created.

"(b) The 262nd District Court shall give preference to criminal cases.

"(c) The 262nd District Court shall hold four terms each year for the trial of causes and the disposition of business coming before it, one term beginning on the first Monday in August, one term beginning on the first Monday in November, one term beginning on the first Monday in February, and one term beginning on the first Monday in May of each year. Each term shall continue until the business is disposed of."

Sec. 3. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 3.089 to read as follows:

"Section 3.089. (a) The 263rd Judicial District, composed of the County of Harris, is hereby created.

"(b) The 263rd District Court shall give preference to criminal cases.

"(c) The 263rd District Court shall hold four terms each year for the trial of causes and the disposition of business coming before it, one term beginning on the first Monday in August, one term beginning on the first Monday in November, one term beginning on the first Monday in February, and one term beginning on the first Monday in May of each year. Each term shall continue until the business is disposed of."

Sec. 4. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 3.090-3.091 and 3.082 to read as follows:

"Section 3.090. (a) The 264th Judicial District, composed of the County of Bell, is hereby created.

"(b) The 264th Judicial District exists on the date of the general election in 1978 for purposes of the election of the judge, and at the general election in 1978 there shall be elected by the qualified voters of the 264th Judicial District, a judge of the 264th District Court for a four-year term beginning on January 1, 1979.

"Section 3.091. (a) The 265th Judicial District, composed of the County of Dallas, is hereby created.

"(b) The 265th District Court shall give preference to criminal cases.

"(c) The 265th Judicial District exists on the date of the general election in 1978 for purposes of the election of the judge, and at the general election in 1978 there shall be elected by the qualified voters of the 265th Judicial District, a judge of the 265th District Court for a four-year term beginning on January 1, 1979."

"Section 3.082. (a) The 256th Judicial District, composed of the County of Dallas, is hereby created.

"(b) The 256th District Court shall give preference to family law matters.

"(c) The 256th Judicial District exists on the date of the general election in 1978 for purposes of the election of the judge, and at the general election in 1978 there shall be elected by the qualified voters of the 256th Judicial District, a judge of the 256th District Court for a four-year term beginning on January 1, 1979."

Sec. 5. Subchapter D, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Sections 4.006-4.007 to read as follows:

"Section 4.006. (a) The office of the district attorney for the 259th Judicial District is created.

"(b) The district attorney shall represent the state in all felony cases before the 259th District Court in Jones and Shackelford counties and shall perform all the duties imposed and have all the authority conferred on district attorneys by the general laws of this state.

"Section 4.007. (a) The office of district attorney for the 258th Judicial District is created.

"(b) The district attorney shall represent the state in all felony cases before the 258th District Court in Polk, San Jacinto, and Trinity counties and shall perform all the duties imposed and have all the authority conferred on district attorneys by the general laws of this state."

Sec. 6. Chapter 179, Acts of the 50th Legislature, Regular Session, 1947 (Article 199(130), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. (a) Notwithstanding any other provision of this Act, from and after January 1, 1981, the 130th Judicial District shall be composed of the County of Matagorda.

"(b) Beginning at the general election in 1980, the judge of the 130th Judicial District shall stand for election and be elected only from the County of Matagorda.

"(c) From and after January 1, 1981, the provisions of this Act do not apply to the 130th District Court and the judge of the 130th District Court in the counties of Brazoria, Fort Bend and Wharton."

Sec. 7. Subdivision 90, Article 199, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"90. Stephens~~[- Shackelford]~~ and Young

"The counties of Stephens~~[- Shackelford]~~ and Young shall hereafter constitute and be the 90th Judicial District of the State of Texas and the terms of the District Courts shall be held therein each as follows:

"In the County of Stephens, on the first Monday in January, April, July and October of each year and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Stephens County.

~~"In the County of Shackelford on the first Monday in February, May, August and November of each year and may continue in session until the date herein fixed for the convening of the next regular term of such Court in Shackelford County."~~

"In the County of Young, on the first Monday in March, June, September and December of each year and may continue in session until the date herein fixed for convening the next regular term of such Court in Young County."

Sec. 8. Sections 1 and 2 of Section 2, Chapter 184, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 199(104), Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. The 104th Judicial District of Texas is composed of Taylor County ~~[the counties of Jones and Taylor]~~.

"Section 2. [(a)] The 104th District Court shall convene ~~[in Jones County on the first Monday in January of each year, and on the fifteenth Monday after the first Monday in January of each year and on the first Monday in September of each year, and each of said terms of Court in said County shall continue until the convening of the next succeeding term of court in said County.~~

~~[(b) Said Court shall convene in Taylor County]~~ on the eleventh Monday after the first Monday in January of each year, and on the twenty-fourth Monday after the first Monday in January of each year and on the ninth Monday after the first Monday in September of each year, and each of said terms of Court in said County shall continue until the convening of the next succeeding term of Court in said County."

Sec. 9. Subsections (b) and (f), Section 6 of Section 2, Chapter 184, Acts of the 57th Legislature, Regular Session, 1961 (Article 326k-62, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) ~~[The qualified electors of Callahan, Jones, and Taylor counties shall elect a criminal district attorney for the 42nd and 104th Judicial Districts at the general election in November 1968 for a two-year term.]~~ At the general election in



November 1970, and every four years thereafter, the qualified electors of Callahan[~~Jones,~~] and Taylor counties shall ~~[also]~~ elect a criminal district attorney."

"(f) The criminal district attorney is entitled to the compensation paid district attorneys by the state which is provided in the general appropriations act. The Commissioners Court of Taylor County shall supplement his state compensation in an amount not less than \$4,000 a year. The commissioners court shall also determine and pay the salaries of all employees of the criminal district attorney. The commissioners court may reimburse the criminal district attorney and his employees for their reasonable and necessary expenses incurred while performing the duties of the office. ~~The Commissioners Court of Callahan County [Commissioners Courts of Jones and Callahan Counties]~~ shall reimburse Taylor County for a part of the salaries, office and travel expense as may be agreed upon by and between the commissioners courts."

Sec. 10. (a) The County Court of Jones County and the County Court of Shackelford County shall each retain and exercise the general jurisdiction of a probate court and shall retain the power to issue all writs necessary to enforce its jurisdiction and to punish contempts. The County Court of Jones County and the County Court of Shackelford County shall have no civil or criminal jurisdiction except as to final judgments rendered prior to the effective date of this Act.

(b) The County Attorney of Jones County and the County Attorney of Shackelford County shall each represent the state in all misdemeanor cases before the district court in each of the respective counties.

(c) All pending civil and criminal cases in the county courts in Jones and Shackelford counties are transferred to the district court with jurisdiction in each of those counties. All writs and process issued by or out of the county courts in civil or criminal cases are returnable to the next term of the district court in each of those counties. The county court in each of those counties retains jurisdiction over judgments in civil or criminal cases rendered prior to the effective date of this Act for enforcement by execution, order of sale, or other appropriate process. If, in a civil or criminal case on appeal from the county court in either of those counties, a judgment is entered by the court of civil appeals, the supreme court, or the court of criminal appeals, remanding the case for a new trial or for further proceedings, it shall be remanded to the district court.

(d) Within 20 days after the effective date of this section, the clerk of the county court in each of the counties of Jones and Shackelford shall file with the clerk of the district court in each of those counties all original papers in cases transferred to the district court and all judges' dockets and certified copies of interlocutory judgments or other orders entered in the minutes of the county court in cases so transferred. The district clerk in each county shall immediately docket the cases on the docket of the district court in each county. All the transferred cases shall stand on the docket of the court to which they are transferred in the same manner and place as each stands on the docket of the county court. It is not necessary that the district clerk refile any papers previously filed by the county clerk. The county clerk shall accompany the papers with a certified bill of cost and shall charge accrued fees due him against all cost deposits, with the remainder of the deposit paid to the district court as a deposit in the particular case for which it was deposited. Credit shall be given the litigants for all jury fees paid in the county court.

Sec. 11. The provisions of Sections 1, 5, 6, 7, 8, 9, and 10 of this Act take effect on September 1, 1977. The provisions of Section 2 of this Act take effect on January 1, 1978. The provisions of Section 3 of this Act take effect on September 1, 1978. Except as provided in Subsection (b) of Section 3.090, Subsection (c) of Section 3.091, and Subsection (c) of Section 3.082 the provisions of Section 4 of this Act take effect on January 1, 1979. The remaining sections of the Act take effect according to the provisions of the Act.

Sec. 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

### **SENATE BILL 157 WITH HOUSE AMENDMENTS**

The Senate resumed consideration of **S.B. 157** with House amendments.

Question - Shall the Senate concur in the House amendments to the bill?

### **MEMORIAL RESOLUTIONS**

**H.C.R. 58** (Braecklein): Memorial resolution for Captain Manuel T. Gonzauillas.

**S.R. 772** - by Doggett: Memorial resolution for Dr. Alfred Schild.

**S.R. 774** - by Adams: Memorial resolution for Norris Langford.

### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 183** (Parker): Extending congratulations to Lamar University baseball team on winning Southland Conference championship.

**S.R. 771** - by Doggett: Extending congratulations to Henry Holman.

**S.R. 773** - by Clower: Extending congratulations to Patrick Stapleton.

**S.R. 775** - by Clower: Extending congratulations to Ms. Lorene Rose Popham.

**S.R. 776** - by Clower: Extending congratulations to Ms. Diana Latrell Goodman.

**S.R. 777** - by Clower: Extending congratulations to Betty Herrmann, Ruth Stapleton, and Shirley Hightower.

**S.R. 778** - by Clower and Hance: Extending congratulations to Gerald M. Scott, Jr.

**S.R. 779** - by Ogg: Extending congratulations to Miss Sally Ross.

**S.R. 780** - by Ogg: Extending congratulations to Miss Laura Linden.

**S.R. 781** - by Ogg: Extending congratulations to Miss Janet Tindal.

**S.R. 782** - by Schwartz: Extending welcome to Ana Parco.

**S.R. 783** - by Parker: Extending congratulations to King Sam White and Queen Ella Sheppleman.

**S.R. 785** - by Clower: Extending welcome to Dr. J. H. Francis.

**S.R. 786** - by Farabee: Extending congratulations to Stelton Crain.

**S.R. 787** - by Lombardino: Extending congratulations to Major General John R. Kelly, Jr.

**S.R. 788** - by Doggett: Extending congratulations to Robert I. (Bob) Bray.

**S.R. 789** - by Andujar: Extending congratulations to Marion Day Mullins.

### **ADJOURNMENT**

Senator Sherman moved the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

The motion prevailed by the following vote: Yeas 14, Nays 11.

Yeas: Adams, Braecklein, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Longoria, Mauzy, Parker, Schwartz, Sherman, Truan.

Nays: Aikin, Andujar, Brooks, Farabee, Jones of Taylor, Kothmann, Meier, Moore, Patman, Snelson, Williams.

Absent: Lombardino, Ogg, Santiesteban.

Absent-excused: McKnight, Mengden, Traeger.

Accordingly, the Senate at 6:45 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

### **APPENDIX**

#### **Sent to Governor**

(May 27, 1977)

**S.C.R. 107**

**S.C.R. 108**

**S.B. 332**

**S.B. 343**

**S.B. 1158**

#### **Sent to Secretary of State**

(May 27, 1977)

**S.J.R. 49**

**S.J.R. 53**